# Washington, Saturday, September 16, 1939

# Rules, Regulations, Orders

# TITLE 14—CIVIL AVIATION CIVIL AERONAUTICS AUTHORITY

[Amendment 28, Civil Air Regulations]

AIRPLANE PERFORMANCE REQUIREMENTS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 12th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938. particularly sections 205 (a), 601 (a) and 603 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective September 12, 1939, the Civil Air Regulations, as amended, are amended by striking out so much of section 04.70 as reads as follows:

"All airplanes shall comply with the following performance requirements, in standard atmosphere, at all weights up to and including the standard weight (§ 04.102), and under all loading conditions within the center of gravity range certified (§ 04.742). There shall be no flight characteristics which, in the opinion of the Authority, render the airplane unairworthy."

and inserting in lieu thereof the follow-

"All airplanes shall comply with the following performance requirements, in standard atmosphere, at all weights up to and including the standard weight (§ 04.102) and under all loading conditions within the center of gravity range certified (§ 04.742): Provided, That demonstration of compliance with landingspeed requirements, and with those relating to take-off time and distance, may be limited to an intermediate range of center of gravity positions if it can be nical descriptions of the chemical idenshown that it is possible for the airplane tity of the pure dye in the colors pro-

to continue flight with one engine inoperative, and that passengers or other load can be easily and rapidly shifted while in flight to permit the realization at the pilot's discretion, of a center of gravity position within the range covered by this demonstration. There shall be no flight or handling characteristics which, in the opinion of the Authority render the airplane unairworthy."

By the Authority.

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 39-3391; Filed, September 15 1939; 9:24 a. m.)

# TITLE 21-FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY B PROMULGATED AMENDING "REGULATIONS Under the Federal Food, Daug, Am COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE" BY CHANGING CERTAIN SPECIFICATIONS OF CERTAIN LISTED COL-ORS AND THE LISTING OF CENTAIN OTHER COAL-TAR COLORS

### Order of the Secretary Promulgating Regulations

Pursuant to, and under and by virtue of, the authority and direction of The Federal Food, Drug, and Cosmetic Ac (52 Stat. 1040-1055; 21 U.S.C. (Supp. IV) 301-392; Sec. 406 (b), 52 Stat. 1049 21 U.S.C. 346 (b); Sec. 504, 52 Stat. 1052 21 U.S.C. 354; Sec. 604, 52 Stat. 1055; 2: U.S.C. 364; Sec. 701 (a), (e), 52 Stat 1055; 21 U.S.C. (Supp. IV) 371 (a), (e); Sec. 706, 52 Stat. 1058; 21 U.S.C. 376) and based upon substantial evidence of record at the hearing in the above-entitled matter, detailed findings of fac are made, as follows:

# FINDINGS OF PACT

1. Technical Descriptions. The tech-

### CONTENTS

### RULES, REGULATIONS, ORDERS

-		
ı,	TITLE 14—CIVIL AVIATION:	
٤	Civil Aeronautics Authority:	Page
d	Airplane performance require-	•
e	ments	3931
3	TirLE 21—FOOD AND DRUGS:	
,	Food and Drug Administration:	
	Coal-tar colors, amendment	
	of regulations for the list-	
	ing, etc., of	3931
	Title 22—Foreign Relations:	
ŝ,	Department of State:	
"	Foreign principals and for-	
	eign governments, regis-	
i	tration of agents	3940
Ì	Title 29-LABOR:	
	United States Employment	
V	Service (Social Security	
n	- 11	
	Cooperation in establishing	
E	national system of public	
S	employment offices, rule	
D	rescinded	3945
-	TITLE 31-MONEY AND FINANCE:	
s	TREASURY:	
1	Secret Service:	
7	Seizure and forfeiture of ves-	
-	sels, vehicles and aircraft	
R	used to transport coun-	
	terfeit coins, obligations,	0015
1	etc	3945
	Title 32—National Defense:	
e	National Munitions Control	
e	Board, Department of	
t	State:	
)	Arms, ammunition, etc., in- ternational traffic in	2046
	terustoma trame at	9349
:	NOTICES	
i	611-15 A	
	Civil Aeronautics Authority:	
;	Marquette Airlines, Inc., and	
٠.	American Airlines, Inc., hearing	3953
Í		ಎಶವಾ
-	Department of Labor: Wage and Hour Division:	
t	Wase and nour Division:	

of learners\_

Hybrid seed corn processing,

mum hours provisions.

(Continued on next page)

exemption from maxi-

3952 -

3953



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'sion:

### CONTENTS-Continued

Federal Communications Commis-Southern Bell Telephone and Telegraph Co., hearing\_\_\_\_ Securities and Exchange Commis-

Registration revocation or suspension hearings:

3954 Devine, Stewart M. Martin, James W.\_\_\_\_

3953

posed under the following names are as follows:

FD&C Red No. 32. 1-Xylylazo-2naphthol.

D&C Red No. 31. Calcium salt of 3hydroxy-4-phenylazo-2-naphthoic acid.

D&C Red No. 33. Disodium salt of 8-amino-2-phenylazo-1-naphthol-3, 6-disulfonic acid.

D&C Red No. 34. Calcium salt of 4-(1-sulfo-2-naphthylazo) -3-hydroxy-2naphthoic acid.

D&C Red No. 35. 1-(o-Nitro-p-tolylazo) -2-naphthol.

D&C Red No. 36. 1-(o-Chloro-p-nitrophenylazo) -2-naphthol.

D&C Red No. 37. 3-Ethostearate of 9 - o - carboxyphenyl - 6-diethylamino-3ethylimino-3-isoxanthene.

D&C Violet No. 1. Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino) - phenyll - methylenel .- (N,N-dimethyl- $\Delta^{2,5}$ -cyclohexadienimine).

D&C Yellow No. 11. 2-(2-Quinoly1)-1, 3-indandione.

D&C Blue No. 7. Monosodium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-(5hydroxy - 4 - sulfo - 2-sulfoniumphenyl) methylene] -(N-ethyl - N -benzyl-Δ2,5-cyclohexadienimine).

[[4-(N-ethylbenzylamino)-phenyl]-(5hydroxy - 4 - sulfo - 2-sulfoniumphenyl) methylene] -(N - ethyl -N-benzyl- $\Delta^{2,5}$ -cyclohexadienimine).

D&C Blue No. 9. 3,3'-Dichloroindanthrene.

D&C Green No. 7. Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)phenyl]-(o-chlorophenyl-methylenel-1-(N - ethyl - N-p-sulfoniumbenzyl- $\Delta^{3,5}$ -cyclohexadienimine).

D&C Orange No. 16. 4,5-Dibromo-2,7diiodo-3,6-fluorandiol.

D&C Orange No. 17. 1-(2,4-Dinitrophenylazo) -2-naphthol.

Ext D&C Black No. 1. Disodium salt 8-anilino-5-[4-(5-sulfo-1-naphthylazo) - 1-naphthylazo]-1-naphthalenesulfonic acid.

Ext D&C Blue No. 3. Monosodium salt of 4-[[4-(N-ethylbenzylamino)phenyl]-[p-sulfo - o - sulfoniumphenyl]methylene]-(N-ethyl - N - benzyl- $\Delta^{2,5}$ -cyclohexadienimine).

Ext D&C Blue No. 4. Disodium salt of 4.8 - diamino-1.5-dihydroxy-2.6-anthra quinone disulfonic acid.

Ext D&C Blue No. 5. 1,4-Bis(amylamino) -anthraquinone.

Ext D&C Green No. 1. Ferric salt of 6-sodiumsulfo-1-sionitroso-1,2-naphthoquinone.

Ext D&C Red No. 8. Monosodium salt of 4-(2-hydroxy-1-naphthylazo)-1naphthalenesulfonic acid.

Ext D&C Red No. 9. Calcium salt of 2 - (1-naphthylazo) - 1-naphthol - 5 - sulfonic acid.

Ext D&C Red No. 10. Disodium salt 2-(4-sulfo-1-naphthylazo)-1-naphthol-4-sulfonic acid.

Ext D&C Red No. 11. Disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3,6-dísulfonic acid.

Ext D&C Red No. 12. Barium salt of 1-(3-sulfo-2-tolylazo) -2-naphthol.

Ext D&C Red No. 13. Disodium salt of 1-p-phenylazophenylazo-2-naphthol-6,8-disulfonic acid.

Ext D&C Violet No. 1. Disodium salt of 1,5-bis(o-sulfo-p-toluino)-anthraqui-

Ext D&C Violet No. 2. Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino) anthraquinone.

Ext D&C Yellow No. 5. alpha-(o-Nitro-p-tolylazo) -acetoacetanilide.

Ext D&C Orange No. 1. alpha-(o-Nitro-p-anisylazo) -o-acetoacetotoluide. Ext D&C Orange No. 2. 4.5-Dinitro-3.6-fluorandiol.

2. Coal-Tar Colors—Chemical Analy-ses—Pharmacological Tests. That the proposed colors listed in Finding No. 1 are coal-tar colors; that said colors have been subjected to chemical study and analysis; and that the structurally basic organic parts of said colors have been subjected to pharmacological examination and tests.

3. Certain impurities unavoidable. That it is neither possible nor practicable to make the proposed colors listed cally.

D&C Blue No. 8. Calcium salt of 4- in Finding No. 1 of a pure dye content of 100 percent, and impurities (i. e., matter that is foreign to the pure dye), which are unavoidable in good manufacturing practice or which are required in order to impart to the color some necessary characteristic, form a part of the color to the extent that such impurities are unavoidable in good manufacturing practice or are required to impart to the color some necessary characteristic.

> 4. Varying specifications necessary. That specifications limiting the minimum amount of pure dye and the maximum amounts of impurities which may be considered to form a part of the color should be fixed so as to specify colors of the greatest possible purity practicable in good manufacturing practice; and that, as among the proposed colors listed in Finding No. 1, the necessary specifications vary, both as to the percentage and as to the nature of the specifications, depending upon the color and the process by which it is made.

> 5. Pure dye-Methods for determining-Practicable limits. That in the case of the proposed colors listed in Finding No. 1, the limits for pure dye which are practicable in good manufacturing practice and the methods of determining the pure dye percentage are as follows:

> FD&C Red No. 32. Not less than 97.0 percent, as determined by titration with titanium trichloride.

> D&C Red No. 31. Not less than 90.0 percent, as determined by titration with titanium trichloride.

> D&C Red No. 33.. Not less than 82.0 percent, as determined by titration with titanium trichloride.

> D&C Red No. 34. Not less than 85.0 percent, as determined by titration with titanium trichloride.

> D&C Red No. 35. Not less than 95.0 percent, as determined by titration with titanium trichloride.

> D&C Red No. 36. Not less than 90.0 percent, as determined by titration with titanium trichloride.

> D&C Red No. 37. Not less than 50.0 percent, as determined by titration with titanium trichloride.

> D&C Violet No. 1. Not less than 80.0 percent, as determined by titration with titanium trichloride.

> D&C Yellow No. 11. Not less than 96.0 percent, as calculated from organically combined nitrogen.

> D&C Blue No. 7. Not less than 80.0 percent, as determined by titration with titanium trichloride.

> D&C Blue No. 8. Not less than 80.0 percent, as determined by titration with titanium trichloride.

> D&C Blue No. 9. Not less than 97.0 percent, as calculated from organically combined nitrogen.

> D&C Green No. 7 Not less than 80.0 percent, as determined by titration with titanium trichloride.

> D&C Orange No. 16. Not less than 90.0 percent; as determined gravimetri

D&C Orange No. 17. Not less than 90.0 percent, as determined by titration with titanium trichloride.

Ext D&C Black No. 1. Not less than 80.0 percent, as determined by titration with titanium trichloride.

Ext D&C Blue No. 3. Not less than 80.0 percent, as determined by titration with titanium trichloride.

Ext D&C Blue No. 4. Not less than 80.0 percent, as calculated from organically combined sulfur or nitrogen.

Ext D&C Blue No. 5. Not less than 96.0 percent, as determined by titration with titanium trichloride.

Ext D&C Green No. 1. Not less than 85.0 percent, as determined by titration with titanium trichloride.

Ext D&C Red No. 8. Not less than 90.0 percent, as determined by titration with titanium trichloride.

Ext D&C Red No. 9. Not less than 90.0 percent, as determined by titration with titanium trichloride.

Ext D&C Red No. 10. Not less than 85.0 percent, as determined by titration with titanium trichloride.

Ext D&C Red No. 11. Not less than 82.0 percent, as determined by titration with titanium trichloride.

Ext D&C Red No. 12. Not less than 90.0 percent, as determined by titration with titanium trichloride.

Ext D&C Red No. 13. Not less than 82.0 percent, as determined by titration with titanium trichloride.

Ext D&C Violet No. 1. Not less than 80.0 percent, as determined by titration with titanium trichloride.

Ext D&C Violet No. 2. Not less than 80.0 percent, as determined by titration with titanium trichloride.

Ext D&C Yellow No. 5. Not less than 96.0 percent, as determined by titration with titanium trichloride.

Ext D&C Orange No. 1. Not less than 96.0 percent, as determined by titration with titanium trichloride.

Ext D&C Orange No. 2. Not less than 92.0 percent, as determined gravimetrically.

6. Volatile matter — Determination. That volatile matter (usually moisture) is the remainder in the color of the volatile solvent from which the color is precipitated and is determined by heating a weighted portion of the color at a suitable temperature (i. e., a temperature chosen so that the material does not disintegrate) until it no longer loses weight.

7. Temperature suitable—Practicable limits. That volatile matter occurs in all of the proposed colors to some extent; and that the temperatures suitable for determining volatile matter and the limits for volatile matter which are practicable in good manufacturing practice, in the case of the proposed colors listed in Finding No. 1, are as follows:

FD&C Red No. 32. At 100° C., not more than 0.5 percent.

D&C Red No. 31. At 135° C., not more than 5.0 percent.

D&C Red No. 33. At 135° C., not more than 6.0 percent.

D&C Red No. 34. At 135° C., not more than 5.0 percent.

D&C Red No. 35. At 135° C., not more than 2.0 percent.

D&C Red No. 36. At 135° C., not more than 5.0 percent.

D&C Red No. 37. At 80° C., not more than 2.0 percent.

D&C Violet No. 1. At 135° C., not more than 8.0 percent.

D&C Yellow No. 11. At 135° C., not more than 1.0 percent.

D&C Blue No. 7. At 135° C., not more than 10.0 percent.

D&C Blue No. 8. At 135° C., not more than 10.0 percent.

D&C Blue No. 9. At 135° C., not more than 1.0 percent.

D&C Green No. 7. At 135° C., not more than 10.0 percent.

D&C Orange No. 16. At 135° C., not more than 5.0 percent.

D&C Orange No. 17. At 135° C., not more than 5.0 percent.

Ext D&C Black No. 1. At 135° C., not more than 10.0 percent.
Ext D&C Blue No. 3. At 135° C., not

more than 10.0 percent.

Ext D&C Blue No. 4. At 135° C., not more than 10.0 percent.

Ext D&C Blue No. 5. At 100° C., not more than 2.0 percent.

Ext D&C Green No. 1. At 135° C., not more than 10.0 percent.

Ext D&C Red No. 8. At 135° C., not more than 5.0 percent.

Ext D&C Red No. 9. At 135° C., not more than 5.0 percent.

Ext D&C Red No. 10. At 135° C., not

more than 10.0 percent.

Ext D&C. Red No. 11. At 135° C., not more than 5.0 percent.

Ext D&C Red No. 12. At 135° C., not more than 5.0 percent.

Ext D&C Red No. 13. At 135° C., not more than 10.0 percent.

Ext D&C Violet No. 1. At 135° C., not more than 10.0 percent.

Ext D&C Violet No. 2. At 135° C., not more than 10.0 percent.

Ext. D&C Yellow No. 5. At 135° C., not more than 2.0 percent.

Ext D&C Orange No. 1. At 135° C., not more than 2.0 percent.

Ext D&C Orange No. 2. At 100° C., not more than 5.0 percent.

8. Sulfated ash a measure of impurities. That in some coal-tar colors, sulfated ash is a measure of certain inorganic impurities.

9. Colors for which sulfated ash a measure of impurities—Practicable limits. That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of sulfated ash would be a measure of impurities and the limits for such impurities which are practicable in good manufacturing practice:

FD&C Red No. 32. Not more than 0.3 percent.

D&C Red No. 35. Not more than 1.5 percent.

D&C Red No. 36. Not more than 1.0 percent.

D&C Red No. 37. Not more than 3.0 percent.

D&C Yellow No. 11. Not more than 1.0 percent.

D&C Blue No. 9. Not more than 1.0 percent.

D&C Orange No. 17. Not more than 1.0 percent.

Ext D&C Blue No. 5. Not more than 0.5 percent.

Ext. D&C Yellow No. 5. Not more than 1.0 percent.

Ext D&C Orange No. 1. Not more than 1.0 percent.

Ext D&C Orange No. 2. Not more than 1.0 percent.

10. Mixed oxides a measure of impurities. That inorganic impurities in coaltar colors may also be measured by a determination of the amount of "mixed oxides" (as defined in the regulations) or oxides of iron and aluminum.

11. Colors for which mixed oxides a measure of impurities—Practicable limits. That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of either mixed oxides or oxides of iron and aluminum would be a measure of impurities and the limits for either mixed oxides or oxides of iron and aluminum which are practicable in good manufacturing practice:

D&C Red No. 31. Oxides of iron and aluminum, not more than 1.0 percent.

D&C Red No. 33, Mixed oxides, not more than 1.0 percent.

D&C Red No. 34. Oxides of iron and aluminum, not more than 1.0 percent.

D&C Violet No. 1. Mixed oxides, not more than 1.0 percent.

D&C Blue No. 7. Mixed oxides, not more than 1.0 percent.

D&C Blue No. 8. Oxides of iron and aluminum, not more than 1.0 percent.

D&C Green No. 7. Mixed oxides, not more than 1.0 percent.

D&C Orange No. 16. Mixed oxides, not more than 1.0 percent.

Ext D&C Black No. 1. Mixed oxides, not more than 1.0 percent.

Ext D&C Blue No. 3. Mixed oxides, not more than 1.0 percent.

Ext D&C Blue No. 4. Mixed oxides, not more than 1 percent.

Ext D&C Red No. 8. Mixed oxides, not more than 1.0 percent.

Ext D&C Red No. 9. Oxides of iron and aluminum, not more than 1.0 percent.

Ext D&C Red No. 10. Mixed oxides, not more than 1.0 percent.

Ext D&C Red No. 11. Mixed oxides, not more than 1.0 percent.

Ext D&C Red No. 12. Oxides of iron and aluminum, not more than 1.0 percent.

Ext D&C Red No. 13. Mixed oxides, not more than 1.0 percent.

Ext D&C Violet No. 1. Mixed oxides, not more than 1.0 percent.

Ext D&C Violet No. 2. Mixed oxides. not more than 1.0 percent.

12. Chlorides and sulfates a measure of impurities. That chlorides and sulfates are inorganic salts which in the case of coal-tar colors are either added or formed during the manufacturing process.

13. Colors for which chlorides and sulfates a measure of impurities-Practicable limits. That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of chlorides and sulfates would be a measure of impurities and the limits for chlorides and sulfates which are practicable in good manufacturing practice:

D&C Red No. 31. Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

D&C Red No. 33. Chlorides and sulfates of sodium, not more than 10.0 percent.

D&C Red No. 34. Chlorides and sulfates (as calcium salts), not more than 10.0 percent.

D&C Violet No. 1. Chlorides and sulfates of sodium, not more than 10.0

D&C Blue No. 7. Chlorides and sulfates of sodium, not more than 8.0 percent.

D&C Blue No. 8. Chlorides and sulfates (as calcium salts), not more than 8.0 percent.

D&C Green No. 7. Chlorides and sulfates of sodium, not more than 8.0 percent.

D&C Orange No. 16. Sodium chloride, not more than 3.0 percent.

Ext D&C Black No. 1. Chlorides and sulfates of sodium, not more than 10.0

Ext D&C Blue No. 3. Chlorides and sulfates of sodium, not more than 8.0 percent.

Ext D&C Blue No. 4. Chlorides and sulfates of sodium, not more than 10.0 percent.

Ext D&C Green No. 1. Chlorides and sulfates of sodium, not more than 5.0 percent.

Ext D&C Red No. 8. Chlorides and sulfates of sodium, not more than 5.0 percent.

Ext D&C Red No. 9. Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

Ext D&C Red No. 10. Chlorides and sulfates of sodium, not more than 5.0 percent.

Ext D&C Red No. 11. Chlorides and sulfates of sodium, not more than 10.0 percent.

Ext D&C Red No. 12. Chlorides and sulfates of sodium, not more than 5.0 percent.

Ext D&C Red No. 13. Chlorides and sulfates of sodium, not more than 8.0 percent.

Est D&C Violet No. 1. Chlorides and sulfates of sodium, not more than 8.0 not more than 0.2 percent. percent.

Ext D&C Violet No. 2. Chlorides and sulfates of sodium, not more than 8.0 percent.

14. Uncombined intermediates impurities. That intermediates are organic raw materials used in the manufacture of coal-tar colors, and if present in uncombined form they are impurities in the color.

15. Colors for which uncombined intermediates a measure of impurities-Identities-Practicable limits. That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of uncombined intermediates would be a necessary measure of impurities, the identity of the intermediate as to which the determination should be made, and the limits which are practicable in good manufacturing practice:

FD&C Red No. 32. Xylidine, not more than 0.1 percent. beta-Naphthol, not more than 0.05 percent.

D&C Red No. 31. Aniline, not more than 0.2 percent.

D&C Red No. 33. Aniline, not more than 0.2 percent.

D&C Red No. 34. Tobias acid, not more than 0.2 percent.

D&C Red No. 35. 2-Nitro-p-toluidine, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

D&C Red No. 36. o-Chloro-p-nitroaniline, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

D&C Red No. 37. Diethyl-m-aminophenol, not more than 0.2 percent.

D&C Violet No. 1. Dimethylaniline, not more than 0.2 percent.

D&C Yellow No. 11. Quinaldine, not more than 0.2 percent.

D&C Blue No. 7. m-Nitro-benzaldehyde, not more than 0.2 percent. Benzylethylaniline, not more than 0.2 percent.

D&C Blue No. 8. m-Nitro-benzaldehyde, not more than 0.2 percent. Benzylethylaniline, not more than 0.2 percent.

D&C Blue No. 9. 2-Amino anthraquinone, not more than 0.2 percent.

D&C Orange No. 17. 2,4-Dinitroaniline, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

Ext D&C Black No. 1. alpha-Naphthylamine, not more than 0.2 percent.

Ext D&C Blue No. 3. Benzylethylaniline, not more than 0.2 percent.

Ext D&C Blue No. 5. Amylamine, not more than 0.2 percent. Ext D&C Red No. 8. beta-Naphthol,

not more than 0.2 percent. Ext D&C Red No. 9. alpha-Naph-

thylamine, not more than 0.2 percent. Ext D&C Red No. 11. Aniline, not

more than 0.2 percent. Ext D&C Red No. 12. beta-Naphthol, not more than 0.2 percent.

Ext D&C Red No. 13. Aniline, not more than 0.2 percent. p-Aminoazobenzene, not more than 0.2 percent.

Ext D&C Violet No. 1. p-Toluidine,

Ext D&C Violet No. 2. p-Toluidine, not more than 0.2 percent.

Ext D&C Yellow No. 5. 2-Nitro-ptoluidine, not more than 0.2 percent.

Ext D&C Orange No. 1. 2-Nitro-panisidine, not more than 0.2 percent.

16. Uncombined intermediates measured by ether extracts. That in some coal-tar colors certain organic impurities, very often the uncombined intermediates, may also be measured by ether extracts; and that in some colors, depending upon the solubility of the color, ether extracts must be determined by using isopropyl ether instead of ordinary ether, or by using an alkaline solution instead of an acid or a neutral solution.

17. Colors for which ether extracts a measure of impurities-Practicable limits. That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of ether extracts would be a measure of impurities and the limits for other extracts which are practicable in good manufacturing practices, isopropyl ether and alkaline solution being specified where necessary:

D&C Red No. 31. Not more than 0.5 percent (Isopropyl'ether).

D&C Red No. 33. Not more than 0.5 percent.

D&C Red No. 34. Not more than 0.5 percent.

D&C Violet No. 1. Not more than 0.5 percent.

D&C Blue No. 7. Not more than 0.5 percent.

D&C Blue No. 8. Not more than 0.5 percent.

D&C Green No. 7. Not more than 0.5 percent.

D&C Orange No. 16. Not more than 0.5 percent (alkaline solution). Ext D&C Black No. 1. Not more than

0.5 percent. Ext D&C Blue No. 3. Not more than

0.5 percent. Ext D&C Blue No. 4. Not more than

0.5 percent. Ext D&C Green No. 1. Not more than 0.5 percent.

Ext D&C Red No. 8. Not more than 0.5 percent.

Ext D&C Red No. 9. Not more than 0.5 percent.

Ext D&C No. 10. Not more than 0.5 percent.

Ext D&C Red No. 11. Not more than

0.5 percent. Ext D&C Red No. 12. Not more than

0.5 percent. Ext D&C Red No. 13. Not more than

0.5 percent.

Ext D&C Violet No. 1. Not more than 0.5 percent.

Ext D&C Violet No. 2. Not more than 0.5 percent.

Ext D&C Orange No. 2. Not more than 0.5 percent (alkaline solution).

given solvent is a measure of impuri- ing are the colors as to which the meltties in a color which is soluble in such solvent.

19. Colors for which insoluble matter a measure of impurities-Solvents-Practicable limits. That, in the case of the proposed colors listed in Finding No. 1. the following are the colors for which a determination of insoluble matter would be a measure of impurities, the solvent in which such determination should be made, and the limits which are practicable in good manufacturing practice:

FD&C Red No. 32. In carbon tetrachloride, not more than 0.5 percent.

D&C Red No. 33. In water, not more than 1.0 percent.

D&C Red No. 35. In toluene, not more than 1.5 percent.

D&C Red No. 36. In toluene, not more than 1.0 percent.

D&C Red No. 37. In benzene, not more than 0.5 percent.

D&C Violet No. 1. In water, not more than 1.0 percent.

D&C Yellow No. 11. In alcohol, not more than 0.5 percent.

D&C Blue No. 7. In water, not more than 1.0 percent.

D&C Blue No. 8. In water, not more than 1.0 percent.

D&C Green No. 7. In water, not more than 1.0 percent.

D&C Orange No. 16. In alkaline solution, not more than 1.0 percent.

D&C Orange No. 17. In toluene, not more than 1.5 percent.

Ext D&C Black No. 1. In water, not more than 1.0 percent.

Ext D&C Blue No. 3. In water, not more than 1.0 percent.

Ext D&C Blue No. 4. In water, not more than 1.0 percent.

Ext D&C Blue No. 5. In carbon tetrachloride, not more than 1.0 percent.

Ext D&C Green No. 1. In water, not

more than 1.0 percent. Ext D&C Red No. 8. In water, not more than 1.0 percent.

Ext D&C Red No. 10. In water, not

more than 1.0 percent. Ext D&C Red No. 11. In water, not

more than 1.0 percent. Ext D&C Red No. 13. In water, not

more than 1.0 percent. Ext D&C Violet No. 1. In water, not

more than 1.0 percent. Ext D&C Violet No. 2. In water, not

more than 1.0 percent. Ext D&C Yellow No. 5. In toluene,

not more than 1.0 percent.

Ext D&C Orange No. 1. In toluene, not more than 1.0 percent.

Ext D&C Orange No. 2. In alkaline solution, not more than 1.0 percent.

20. Melting point indicating purity and identity. That in some coal-tar colors the melting point of the color serves as an indication of purity and identity.

21. Colors for which melting point indicates purity or identity—Practicable 1.0 percent.

18. Insoluble matter a measure of im- | limits. That, in the case of the proposed That insoluble matter in a colors listed in Finding No. 1, the following point would serve as a measure of purity or identity and the limits for melting point which are practicable in good manufacturing practice:

D&C Red No. 35. Not less than 272°

D&C Yellow No. 11. Not less than 235° C.

Ext D&C Yellow No. 5. Not less than 250° C.

Ext D&C Orange No. 1. Not less than 210° C.

22. FD&C Red No. 32-mcta-Xylidine-Limited-Determined by reduction of the dye. That Xylidine, one of the intermediates used in the manufacture of the color proposed as FD&C Red No. 32, consists of a mixture of insomeric Xylidines, of which one is meta-Xylidine; that the presence of an unlimited amount of meta-Xylidine in the Xylidine used in the manufacture of this color would effect the identity of the color: and that the meta-Xylidine should be limited to not more than 30.0 percent in the Xylidine used for making this color, which may be determined by reduction of the dye.

23. FD&C Red No. 32-Boiling range a measure of meta-Xylidinc. That the boiling range of Xylidine, obtained by reduction of the dye, in the color proposed as FD&C Red No. 32 would furnish a measure of the meta-Xylidine present, and that a Xylidine mixture containing not more than 30.0 percent of meta-Xylidine would have a boiling range such that 95.0 percent would distill between 212° and 232° Centigrade.

24. FD&C Red No. 32-Water soluble matter an impurity-Practicable limit. That any matter which is soluble in water is an impurity in the color proposed as FD&C Red No. 32, and that it is practicable in good manufacturing practice to limit water soluble matter in this color to not more than 0.3 percent.

25. D&C Red No. 37-Stearie acid-Practicable limit. That the color proposed as D&C Red No. 37 is made by melting together stearic acid and a color known to the coal-tar color trade as Rhodamine B-base, and that it is necessary that a certain amount of stearic acid over and above the amount which combines with the color be present after the manufacturing process has been completed, and it is practicable in good manufacturing practice to limit stearic acid (not part of the dye) to not more than 50.0 percent.

26. D&C Blue No. 9-Alcoholic hydrochloric acid extracts impurities-Limit practicable. That in the case of the color proposed as D&C Blue No. 9, the matter extractable by alcoholic hydrochloric acid is a measure of impurities, and that it is practicable in good manufacturing practice to limit matter extractable by alcoholic hydrochloric acid to not more than

27. D&C Blue No. 9 by chlorination-Range of organically combined chlorine practicable. That the color proposed as D&C Blue No. 9 is made by chlorination. and in the process it is not always possible to combine in the color the theoretically correct amount of chlorine, and that the range of organically combined chlorine in the pure dye which is practicable in good manufacturing practice is 13.0 percent to 14.8 percent.

28. D&C Orange No. 16 - Practicable range of organically combined bromine and iodine. That the color proposed as D&C Orange No. 16 is made by bromination and iodation, and it is not always possible to combine in the color the theoretically correct amount of bromine or iedine, and that the ranges of organically combined bromine and icdine in the pure dye which are practicable in good manufacturing practice are as follows: bromine, 20.0 percent to 23.0 percent, and icdine, 32.0 percent to 36.0 percent.

29. D&C Orange No. 16-Free halogene-Limit practicable. That in the manufacture of the color proposed as D&C Orange No. 16, the halogens or halides (i. e., the bromine of iodine) may exist in free form in the color, and it is practicable in good manufacturing practice to limit the free halogens in the color to not more than 0.05 percent.

30. Ext D&C Black No. 1-Intermediary reactions product-Limit practicable. That in the manufacture of the color proposed as Ext D&C Black No. 1, an intermediary reaction product, 3-(4-Amino-1 - naphthylazo) - 1 - naphthalene sulfonic acid, may result, and that it is practicable in good manufacturing practice to limit such intermediary reaction product to not more than 2.0 percent.

31. D&C Orange No. 16-Ext D&C Yellow No. 5-Ext D&C Orange No. 1-Certain specifications conforming. That in order to conform the specifications for the proposed colors to the system of nomenclature employed in the regulations, the term "halogens" should be employed rather than the term "halides" (in the color proposed as D&C Orange No. 16); the term "2-Nitro-p-toluidine" should be employed in lieu of the term "m-nitro-p-toluidine" (in the color proposed as Ext D&C Yellow No. 5); and the term "2-nitro-p-anisidine" should be employed in lieu of the term "m-nitrop-anisidine" (in the color proposed as Ext D&C Orange No. 1).

32. FD&C Yellow No. 2—Reduction of limit for ether extracts practicable. That in the case of the color FD&C Yellow No. 2, uncombined intermediates are extractable by ether; that the ether extracts should be kept as low as possible; that a limit for ether extracts of not more than 0.1 percent is practicable in good manufacturing practice, and that the reduction of the limit for ether extracts from 0.2 percent to 0.1 percent would make the color more suitable, pharmacologically, for use in foods, drugs, and cosmetics.

for chlorides and sulfates eliminated. That the specification for chlorides and sulfates of sodium in the color FD&C Orange No. 2 is superfluous, and its elimination would not affect the harmlessness of that color for use in foods, drugs, and cosmetics.

34. FD&C Red No. 32—Specifications practicable—Color suitable and harmless. That if listed by way of amendment to section 135.03 of the regulations, the specifications for the color proposed as FD&C Red No. 32, set forth for the said color in Findings No. 1, 5, 7, 9, 15, 19, 22, 23, and 24, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the color and the impurities therein; and that such color, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in foods, drugs, and cosmetics.

35. D&C Yellow No. 8 and No. 9—Limits mixed oxides included. That mixed oxides would be a measure of impurities in the colors D&C Yellow No. 8 and D&C Yellow No. 9; that it is practicable in good manufacturing practice to limit mixed oxides in these colors to not more than 1.0 percent; and that the inclusion of specifications limiting mixed oxides in these colors to not more than 1.0 percent would result in colors of greater purity.

36. D&C Blue No. 3-Predominantly violet. That the shade of the color D&C Blue No. 3 is more violet than blue, and the inclusion of the word "Blue" in this color, which is used as a shade of violet, is likely to cause confusion which would not be caused by the use of the name "D&C Violet No. 2."

37. Specifications for certain named D&C colors practicable—Colors harmless and suitable. That if listed by way of amendment to section 135.04 of the regulations, the specifications for the colors proposed as D&C Red No. 31, D&C Red No. 33, D&C Red No. 34, D&C Red No. 35, D&C Red No. 36, D&C Red No. 37, D&C Violet No. 1, D&C Yellow No. 11, D&C Blue No. 7, D&C Blue No. 8, D&C Blue No. 9, D&C Green No. 7, D&C Orange No. 16, and D&C Orange No. 17, set forth for said colors in Findings No. 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, 25, 26, 27, 28, and 29, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the colors and the impurities therein; and that such colors, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in drugs and cosmetics.

38. Specifications for certain Ext D&C colors practicable-Colors harmless and suitable. That if listed by way of amendment to section 135.05 of the regulations, the specifications for the colors proposed as Ext D&C Black No. 1, Ext D&C Blue No. 3, Ext D&C Blue No. 4, Ext D&C Blue No. 5, Ext D&C Green

33. FD&C Orange No. 2—Specification | No. 1, Ext D&C Red No. 8, Ext D&C Red | extending on a substratum of alumina, No. 9, Ext D&C Red No. 10, Ext D&C Red No. 11, Ext D&C Red No. 12, Ext D&C Red No. 13, Ext D&C Violet No. 1, Ext D&C Violet No. 2, Ext D&C Yellow No. 5, Ext D&C Orange No. 1, Ext D&C Orange No. 2, set forth for said colors in Findings No. 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 30, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the colors and the impurities therein; and that such colors, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in externally applied drugs and cosmetics.

39. Rosin a substratum for lakes. That rosin is used in the manufacture of lakes and imparts certain desired properties; and that rosin is a proper substance for use as a substratum in making lakes.

40. Soluble chlorides and sulfates for lakes-Limits reduced. That, in the making of lakes, it is practicable in good manufacturing practice to limit soluble chlorides and sulfates (as sodium salts) to not more than 3.0 percent; and that the reduction of the specification for soluble chlorides and sulfates from the present limit of 5.0 percent, in the case of lakes under section 135.04 and section 135.05 will result in colors which will be of greater purity and which will be more suitable, pharmacologically, for use in drugs and cosmetics and in externally applied drugs and cosmetics, respectively.

41. Lakes—Substrata—Components— Harmless for drugs and cosmetics. That any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors heretofore listed, or now proposed for listing, in section 135.03, or one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.04, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors heretofore listed, or now proposed for listing, in section 135.03, or one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.04, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium, would be harmless for use in drugs and cosmetics; subject to specifications that the lake contain: of ether extracts, not more than 0.5 percent: of soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent; and of intermediates, not more than 0.2 percent.

42. Lakes - Substrata-Components-Harmless for externally applied drugs specification, "Chlorides and sulfates of and cosmetics. That any lake made by sodium, not more than 0.5 percent";

blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these; (1) one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.05, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.05, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium. would be harmless for use in externally applied drugs and cosmetics; subject to specifications that the lake contain: of ether extracts, not more than 0.5 percent; of soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent; and of intermediates, nor more than 0.2 percent.

Based upon the foregoing findings of fact, it is concluded that the "Regulations Under The Federal Food, Drug, and Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof, And Payment of Fees For Such Service' promulgated by order of the Secretary of Agriculture dated May 4, 1939, published in the Federal Register May 9, 1939 (Vol. 4, No. 89, pp. 1922-1947), be, and they are hereby, amended by changing certain specifications of certain colors therein listed and the listing of certain other coal-tar colors, as specifically set out hereinafter in amendments to such Regulations; and such amendments are hereby promulgated, as follows:

AMENDMENT TO REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Regulations Amending Sections 135.03. 135.04 and 135.05 of "Regulations Under the Federal Food, Drug, and Cosmetic Act for the Listing of Coal-Tar Colors, Certification of Patches Thereof, and Payment of Fecs for Such Service", by Changing Certain Specifications of Certain Listed Colors and the Listing of Certain Other Coal-Tar Colors

The Regulations promulgated by order of the Secretary of Agriculture dated May 4, 1939, and published in the FED-ERAL REGISTER May 9, 1939 (Vol. 4, No. 89, pp. 1922-1947), entitled "Regulations Under The Federal Food, Drug, And Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof, And Payment of Fees For Such Service" are hereby amended as follows:

(1) By striking from the specifications for the Color FD&C Yellow No. 2 the specifications, "Ether Extracts, not more than 0.2 percent," and by inserting in lieu thereof: "Ether extracts not more than 0.1 percent":

(2) By striking from the specifications for the Color FD&C Orange No. 2 the (3) And by adding at the end of said section the following:

"FD&C Red No. 32 Specifications

"1-Xylylazo-2-naphthol,

"Volatile matter (at 100° C.), not more than 0.5 percent.

"Sulfated ash, not more than 0.3 per-

"Water soluble matter, not more than 0.3 percent.

"Matter insoluble in carbon tetrachloride, not more than 0.5 percent.

"Xylidine, not more than 0.1 percent. "beta-Naphthol, not more than 0.05 percent.

"m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.

"Rure dye (as determined by titration with titanium trichloride) not less than 97.0 percent.

"Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212-232° C."

#### § 135.04.--

- (1) By inserting after the specification for the color D&C Yellow No. 8: "Chlorides and sulfates of sodium, not more than 8.0 percent"; a specification, "Mixed oxides, not more than 1.0 percent";
- (2) By inserting after the specification for the color D&C Yellow No. 9: "Chlorides and sulfates of potassium, not more than 5.0 percent"; a specification, "Mixed oxides, not more than 1.0 percent":
- (3) By striking out the name for the color "D&C Blue No. 3" and by inserting in lieu thereof the name "D&C Violet No. 2";
- (4) By striking out all matter in said section immediately following the name of, and specifications for, the color "D&C Black No. 1", beginning with the caption "Lakes", and by inserting in lieu thereof the following:

# "D&C Red No. 31 Specifications

"Calcium salt of 3-hydroxy-4-phenylazo-2-naphthoic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts (Isopropyl ether), not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

### "D&C Red No. 33 Specifications

"Disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid.

"Volatile matter (at 135° C.), not more than 6.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent."

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

# "D&C Red No. 34 Specifications

"Calcium salt of 4-(1-sulfo-2-naphthylazo)-3-hydroxy-2-naphtholc acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"Tobias acid, not more than 0.2 percent. "Chlorides and sulfates (as calcium salts), not more than 10.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

### "D&C Red No. 35 Specifications

"1-(o-Nitro-p-tolylazo) -2-naphthol.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.5 percent.

"Matter insoluble in toluene, not more than 1.5 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 95.0, percent.

"Melting point, not less than 272° C.

# "D&C Red No. 36 Specifications

"1 - (o - Chloro - p-nitrophenylazo) -2naphthol.

"Volatile matter (at 135°C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.0 per-

"Matter insoluble in toluene, not more than 1.0 percent.

."o-Chloro-p-nitroaniline, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

### "D&C Red No. 37 Specifications

"3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino - 3-ethyllmino - 3-isoxanthene.

"Volatile matter (at 80° C.), not more than 2.0 percent.

"Sulfated ash, not more than 3.0 per-

"Matter insoluble in benzene, not more than 0.5 percent.

"Diethyl - m - aminophenol, not more than 0.2 percent.

"Stearic acid (not part of the dye), not more than 50.0 percent.

"Pure dye (as determined by ditration with titanium trichloride) not less than 50.0 percent.

### "D&C Violet No. 1 Specifications

"Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfonium benzylamino)-phenyl]-methylene]-(N,N-dimethyl- $\Delta^{2.5}$ -cyclo-hexadienimine).

"Volatile matter (at 135° C.), not more than 8.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Dimethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than \$0.0 percent.

### "D&C Yellow No. 11 Specifications

"2-(2-Quinolyl)-1,3-indandione.

"Volatile matter (at 135° C.), not more than 1.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in alcohol, not more than 0.5 percent.

"Quinaldine, not more than 0.2 per-

"Pure dye (as calculated from organically combined nitrogen), not less than 96.0 percent.

"Melting point, not less than 235° C.

# "D&C Blue No. 7-Specifications

"Monosodium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene]-(N-ethyl-N-benzyl- $\Delta^{c,5}$ -cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"m-Nitro-benzaldehyde, not more than 0.2 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 per-

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

# "D&C Blue No. 8 Specifications

"Calcium salt of 4-[[4-(N-ethylbenzylamino) ~phenyl] - (5-hydroxy-4-sulfo-2sulfoniumphenyl) -methylene]-(N-ethyl-N-Benzyl-∆<sup>2,5</sup>-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"m-Nitro-benzaldehyde, not more than 0.2 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 8.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"D&C Blue No. 9 Specifications

"3.3'-Dichloroindanthrene.

\_ "Volatile matter (at 135° C.), not more than 1.0 percent.

"Sulfated ash, not more than 1.0 percent.

"2-Amino anthraquinone, not more than 0.2 percent.

"Matter extractable by alcoholic HCl, not more than 1.0 percent.

"Permitted range of organically combined chlorine in pure dye, 13.0-14.8 percent

"Pure dye (as calculated from organically combined nitrogen), not less than 97.0 percent.

### "D&C Green No. 7 Specifications

"Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(o-chlorophenyl)- methylene -1-(N-ethyl-N-p-sulfoniumbenzyl -  $\Delta^{0,6}$  - cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

# "D&C Orange No. 16 Specifications

"4,5-Dibromo-2,7-diiodo - 3,6 - fluorandiol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Insoluble matter (alkaline solution),

not more than 1.0 percent.
"Ether extracts (alkaline solution), not

more than 0.5 percent.
"Sodium chloride, not more than 3.0

percent.
"Mixed oxides, not more than 1.0 per-

cent.

"Free halogens, not more than 0.05 percent.

"Permitted range of organically combined bromide in pure dye, 20.0–23.0 percent.

"Permitted range of organically combined iodine in pure dye, 32.0-36.0 percent.

"Eure dye (as determined gravimetrically), not less than 90.0 percent.

# "D&C Orange No. 17 Specifications

"1-(2,4-Dinitrophenylazo)-2-naphthol. "Volatile matter (at 135° C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.0 per-

"Matter insoluble in toluene, not more than 1.5 percent.

"2,4-Dinitroaniline, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 per-

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

#### "Lakes

"Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors listed in section 135.03, or hereinbefore listed in this subsection, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors listed in section 135.03, or hereinbefore listed in this subsection, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium."

# "Specifications

"Ether extracts, not more than 0.5 percent.

"Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.
"Intermediates, not more than 0.2 percent.

"(b) Each lake made as prescribed under the caption 'Lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First; the listed name of the color from which the lake is prepared, except that if such name contains the symbol 'FD&C' such symbol shall be changed to 'D&C';

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake.'

"(For example, the name of a lake prepared by extending the color D&C Red No. 9 upon a substratum is 'D&C Red No. 9—Barium Lake', and a lake prepared by extending the aluminum salt prepared from FD&C Green No. 1 upon a substratum is 'D&C Green No. 1—Aluminum Lake'.)"

# § 135.05—

(1) By striking out all matter in said section immediately following the name of, and specification for; the color "Ext D&C Blue No. 2," beginning with the caption "Lakes," and by inserting in lieu thereof the following:

### "Ext D&C Black No. 1 Specifications

"Disodium salt of 8-anilino-5-[4-(5-sulfo-1-naphthylazo)-1-naphthylazo]-1-naphthalenesulfonic acid.

"Volatile matter (at 135° C.), not more than, 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether'extracts, not more than 0.5 percent.

"alpha-Naphthylamine, not more than 0.2 percent.

"3-(4-Amino-1-naphthylazo) -1-naphthalene sulfonic acid, not more than 2.0 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 per-

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

# "Ext D&C Blue No. 3 Specifications

"Monosodium salt of 4-[[4-(N-ethylbenzylamino) - phenyl] - [p-sulfo- o-sulfoniumphenyl] - methylene] - (N-ethyl-N-benzyl  $\Delta^{2.6}$ -cyclohexadienimine.)

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

### "Ext D&C Blue No. 4 Specification

"Disodium salt of 4,8-diamino-1,5-dihydroxy - 2,6 - anthraquinone disulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as calculated from organically combined sulfur or nitrogen), not less than 80.0 percent.

# "Ext D&C Blue No. 5 Specifications

"1.4-Bis(amylamino) -anthraquinone.
"Volatile matter (at 100° C.), not more

"Volatile matter (at 100° C.), not more than 2.0 percent.

"Insoluble matter in carbon tetrachlo- ride, not more than 1.0 percent.

"Sulfated ash, not more than 0.5 percent.

"Amylamine, not more than 0.2 per-cent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

### "Ext D&C Green No. 1 Specifications

"Ferric salt of 6-sodiumsulfo-1-isonitroso-1,2-naphthoquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Ether extracts, not more than 0.5 percent. "Water insoluble matter, not more than 1.0 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

"Ext D&C Red No. 8 Specifications

"Monosodium salt of 4-(2-hydroxy-1naphthylazo) - 1 - naphthalenesulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5

"beta-Naphthol, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Mixed oxides, not more than 1.0 per-

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"Ext\_D&C Red No. 9 Specifications

"Calcium salt of 2-(1-naphthylazo)-1-naphthol-5-sulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"alpha-Naphthylamine, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"Ext D&C Red No. 10 Specifications

"Disodium salt of 2-(4-sulfo-1-naph-thylazo)-1-naphthol-4-sulfonic acid.
"Volatile matter (at 135° C.). not more

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 per-

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

"Ext D&C Red No. 11 Specifications

"Disodium salt of 8-acetamido-2-phenylazo - 1 - naphthol - 3,6 - disulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

No. 179-2

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

"Ext D&C Red No. 12 Specifications

"Barium salt of 1-(3-sulfo-2-tolylazo) - 2-naphthol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"beta-Naphthol, not more than 0.2 per-

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"Ext D&C Red No. 13 Specifications

"Disodium salt of 1-p-phenylazophenylazo - 2 - naphthol - 6,3 - disulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.
"p-Aminoazobenzene, not more than

0.2 percent.
"Chlorides and sulfates of sodium, not

more than 8.0 percent.
"Mixed oxides, not more than 1.0 per-

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

"Ext D&C Violet No. 1 Specifications

"Disodium salt of 1,5-bis(o-sulfo-p-toluino)-anthraquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"p-Toluidine, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not

more than 8.0 percent.
"Mixed oxides, not more than 1.0 per-

cent.
"Pure dye (as determined by titration with titanium chloride), not less than

"Ext D&C Violet No. 2 Specifications

80.0 percent.

"Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino)-anthraquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"p-Toluidine, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than more than 8.0 percent.

"Ext D&C Yellow No. 5 Specifications

"alpha - (o - Nitro - p-tolylazo) - acetoacetanilide.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.0 per-

"matter insoluble in toluene, not more than 1.0 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"Melting point, not less than 250° C.

"Ext D&C Orange No. 1 Specifications

"alpha-(o-Nitro-p-anisylazo) -o-acetoacetotoluide.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.0 per-

"Matter insoluble in toluene, not more than 1.0 percent.

"2-Nitro-p-anisidine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"Melting point, not less than 210° C.

"Ext D&C Orange No. 2 Specifications

"4,5-Dinitro-3,6-fluorandiol.

"Volatile matter (at 100° C.), not more than 5.0 percent.

"Ether extracts (alkaline solution), not more than 0.5 percent. "Sulfated ash, not more than 1.0 per-

cent.
"Insoluble matter (alkaline solution).

not more than 1.0 percent.

"Range of organically combined nitro-

gen in pure dye, 6.45 to 6.20 percent.
"Pure dye (as determined gravimetrically), not less than 92.0 percent.

#### "Lakes

"Any lake made by extending on a substratum of alumina, blanc fixe, glöss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum henzoate, or on any combination of two or more of these (1) one of the straight colors hereinbefore listed in this subsection, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight colors hereinbefore listed in this subsection by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium.

#### "Specifications

"Ether extracts, not more than 0.5 percent.

sodium salts), not more than 3.0 percent. "Intermediates, not more than 0.2 percent.

"(b) Each lake made as prescribed under the caption 'lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First, the listed name of the color from which the lake is prepared;

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake.'

"(For example, the name of a lake prepared by extending the color Ext D&C Yellow No. 2 upon a substratum is 'Ext D&C Yellow No. 2-Calcium Lake,' and a lake prepared by extending the barium salt prepared from Ext D&C Red No. 2 upon the substratum is 'Ext D&C Red No. 2—Barium Lake.')"

In virtue of the Act of June 23, 1939 (Public No. 151—76th Congress, 1st Session, C. 242), January 1, 1940, is the effective date for enforcement of those sections of the Federal Food, Drug, and Cosmetic Act prohibiting the use of un--certified coal-tar colors in foods, drugs and cosmetics, to wit: Section 402 (c) (52 Stat. 1046; 21 U.S.C. 342 (c)); Section 501 (a) (4) (52 Stat. 1049; 21 U.S.C. 351 (a) (4)); and 601 (e) (52 Stat. 1054; 21 U.S.C. 361 (e)).

In virtue of the Act of May 2, 1939 (Public No. 61-76th Congress, 1st Session, C. 107), the certification of coaltar colors for use in foods, drugs and cosmetics before the effective date of the aforementioned sections of the said act was provided and authorized.

It is hereby found that emergency conditions now exist, within the meaning of Section 701 (e) (52 Stat. 1055; 21 U.S.C. 371 (e)) of said act, necessitating an earlier effective date for the Regulations heretofore promulgated May 9, 1939, as amended hereby, which prescribe the rules and procedure for applying for and obtaining the certification of coal-tar colors and the issuance of certificates therefor, instead of such Regulations, as amended, becoming effective ninety days after promulgation thereof. Such emergency conditions are that, on the effective date for enforcement of the aforesaid sections of said act, to wit, January 1, 1940: (1) no method or system for applying for and obtaining certification of coal-tar colors and the issuance of certificates therefor, as is provided by the aforesaid Regulations as amended hereby, will be in effect and operative until three weeks before the effective date of the aforesaid sections of said act; and (2) certified coal-tar colors for the use of industry in general in foods, drugs and cosmetics, as contemplated and prescribed by the act and the aforesaid Regulations, as amended, will not be available.

Wherefore, in view of the emergency conditions hereinbefore found to exist, and in virtue of the authority vested in the Secretary of Agriculture by Section

"Soluble chlorides and sulfates (as 701 (e) (52 Stat. 1055; 21 U.S.C. 371 (e)) | Sec. of the Federal Food, Drug, and Cosmetic Act, it is hereby ordered that the Regulations, as amended, which prescribe the rules and procedure for applying for and obtaining the certification of coal-tar colors heretofore or hereby listed, and the issuance of certificates therefor, be and become effective upon the publication of this order in the FEDERAL REGISTER.

This the 14th day of September, 1939.

[SEAL]

Sec.

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 39-3389; Filed, September 14, 1939; 3:24 p. m.]

# TITLE 22—FOREIGN RELATIONS DEPARTMENT OF STATE

PART 24-FOREIGN PRINCIPALS AND FOR-EIGN GOVERNMENTS, REGISTRATION OF AGENTS 1

Definitions. Statutory requirements.
Form of registration statement. 24.2 Language of statement.

Lack of essential details.

Supplementary information. 24.5 Effect of acceptance. Date of filing. 24 8 24.9 Incorporation of papers previously 24.10

Proof of authority of signatory. Separate statements. Cessation of agency or activity. 24.13

Individuals must file statements.
Activities not in behalf of foreign 24.14 principal.

Subagents not subject to the requirement of registration. 24.15 24.16 Branch offices not required to file

separate registration statements.
Subsidiary or branch agencies of for-

eign entitles—status.
Associations and organizations whose membership includes one or more

foreign principals.

Activities connected with the establishment or conduct of a foreign 24.19 government.

24.20 Officials of foreign governments notification of status.

Renewal of notification under § 24.20 Status of persons who have complied with the provisions of § 24.20. Termination of activities.

Withdrawal of registration statement from public records.

Applicability of §§ 24.3 to 24.24 to supplemental registration statement. 24.25

Form of supplemental registration statement.

0

Public inspection.
To whom and by whom notifications 24.28 are to be made.

<sup>1</sup>The Secretary of State announces that <sup>1</sup>The Secretary of State announces that regulations contained herein supersede, as of September 15, 1939, all previous regulations (3 F.R. 2177 DI) promulgated by him governing the registration of agents of foreign principals and the notification of agents of foreign governments.

\*§§ 24.1 to 24.26, inclusive, issued under the authority contained in sec. 6, 52 Stat. 633; 22 U.S.C., Sup., 233f; §§ 24.27 to 24.36, inclusive under the authority contained in sec. 3, 40 Stat. 226; 22 U.S.C. 233.

\*The source of §§ 24.1 to 24.36, inclusive

†The source of §§ 24.1 to 24.36, inclusive, is Laws and Regulations Administered by the Secretary of State Governing the Registration of Agents of Foreign Principals and the Notification of Agents of Foreign Governments, Secretary of State, September 15.

24.29 Information to be included in the notification.

24.30 24.31

notification.
Renewal of notification.
Expiration of activities.
To whom notifications apply.
Notification not to be regarded as a claim to diplomatio immunity.
Definition of "agent."
Requirement of notification ful-24.33

24.34 filled by compliance with provisions of § 24.20.

Modification, amendment, or repeal

of regulations.

§ 24.1 Definitions. As used in these regulations and forms, unless the context otherwise requires-

(1) The term person means an individual, partnership, association, or corporation.

(2) The term Secretary means the Secretary of State of the United States.

(3) The term act means the act approved June 8, 1938 (Public, No. 583, 75th Cong., 3d sess.), entitled "AN ACT To require the registration of certain persons employed by agencies to dis-seminate propaganda in the United States and for other purposes," as amended by the act approved August 7, 1939 (Public, No. 319, 76th Cong., 1st sess.).

(4) The term section means a section of the act.

(5) The term regulations means all rules, regulations, and forms prescribed by the Secretary pursuant to the act.

(6) The term government of a foreign country means any person or group of persons exercising sovereign political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which authority or functions are directly or indirectly delegated or permitted. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority, whether such faction or body of insurgents has or has not been recognized by the United States.

(7) The term political party of a foreign country means any group of persons in a country other than the United States, having for an aim the establishment or the administration of a government or of a governmental system.

(8) The term person domiciled abroad means a person who has outside the United States a principal establishment or permanent home.

(9) The term foreign business means any entity organized or set up under a jurisdiction of a country other than the United States and having its principal place of business outside the United States, for the purpose of livelihood or profit.

(10) The term foreign partnership means an association of two or more persons formed outside the United States to engage jointly in any enterprise or undertaking.

(11) The term foreign association means an unincorporated entity or group of persons formed outside the United States and acting for a common purpose. means a legal entity created by or under one government and another. the laws of a country other than the United States.

(13) The term foreign political organization means a group of persons organized and existing outside the United States which is engaged in political activity or in any activity devoted in whole or in part to the establishment or the administration of a government or of a governmental system.

(14) The term public-relations counsel means any person who directly or indirectly informs, advises, or in any other way represents a principal in any matters pertaining to political interests or public relations or public policy: Provided, however. That this term shall not be held to apply to any person by reason of his being engaged in bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts, nor to any person performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of bona fide trade or commerce as such terms are defined in these regulations.

(15) The term publicity agent means any person who is directly or indirectly engaged in the placing or disseminating within the United States of oral, written, or pictorial information or matter of any kind for publication in any manner, including publication through advertising, books, periodicals, newspapers, lectures, broadcasts, moving picture showings, or otherwise: Provided, however, That this term shall not be held to apply to any person by reason of his being engaged in the dissemination of material, information, or ideas in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts, nor to any person performing only private, nonpolitical, financial, mercantile or other activities in furtherance of bona fide trade or commerce as such terms are defined in these regulations.

(16) The term duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States shall include any representative of a foreign government who functions as a diplomatic or consular officer in the United States and whose diplomatic or consular status is of record in the Department of State of the United States.

(17) The term private activities in furtherance of bona fide trade or commerce means activities ordinarily and customarily performed by persons for private livelihood or profit, as distinguished from activities of a political or other character, whether or not in the guise of trade or commerce.

(18) The term nonpolitical activities in furtherance of bona fide trade or commerce means such activities as are religious, educational, professional, scientific, or related to the fine arts, which do not in any essential respect relate to the establishment or conduct

(12) The term foreign corporation of a government or relations between

(19) The term financial activities in furtherance of bona side trade or commerce means activities in which exchange of money or its equivalent is involved through the normal channels of finance, and includes the normal incidents of such transactions.

(20) The term mercantile activities in furtherance of bona side trade or commerce means activities directly concerned with the business of precuring, buying, selling, merchandising, warehousing, forwarding, transporting, or processing goods, products, or property of any kind.

(21) The term other activities in furtherance of bona side trade or commerce as used in subsection (d) of the first section of the act, means services rendered in connection with private activities, nonpolitical activities, financial activities, or mercantile activities as herein defined.

(22) The term furtherance of bona fide trade or commerce means engaging in good faith in the lawful exchange of commodities, services, or property of any kind. Such term shall not include any political activities or activities involving the dissemination of information not exclusively concerned with the lawful exchange of commodities, services, or property.

(23) The term registration statement means the statement submitted to the Secretary for filing pursuant to the terms of the act and includes all documents and papers supplementary thereto.

(24) The term registrant means the person named in the registration statement and in whose behalf the registration statement is submitted to the Secretary for filing.\* [Part I, Chap. II]

§ 24.2 Statutory requirements. The act requires the registration of:

> any person who acts or engages to act or agrees to act as:

> > public-relations counsel. publicity agent, agent, servant. representative, attorney for, or

any person who receives compensation from, or is under the direction of:

> the government of a foreign country.

a political party of a foreign country,

- a person domiciled abroad,
- a foreign business.
- a foreign partnership,
- a foreign association,
- a foreign corporation,
- or a domestic organization subsidized directly or indiany of the above.

The only persons within these categories exempt from the requirement of registration under the act are:

> persons who function in the United States as diplomatic or consular officers and whose diplomatic or consular status is of record in the Department of State of the United States.

persons performing only:

private activities in furtherance of bona fide trade or commerce.

nonpolitical activities in furtherance of bona fide trade or commerce.

financial activities in furtherance of bona fide trade or commerce,

mercantile activities in furtherance of bona fide trade or commerce.

other activities in furtherance of bona fide trade or commerce, or

activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits, or of the fine arts,

and persons whose status is described in either of the following two paragraphs:

(1) Any official of a foreign government recognized by the United States as a government, other than a public-relations counsel or publicity agent or a citizen of the United States, whose status and the character of whose duties as such official are of record in the Department of State of the United States.

(2) Any member of the staff of or person employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Dapartment of State of the United States, other than a public-relations counsel or publicity agent, whose status and the character of whose duties as such member or employee are of record in the Department of State of the United States.\*† [Part I. Chap. III]

REGULATIONS UNDER SECTION 2 OF THE ACT

§ 24.3 Form of registration statement. Every person required to register under the terms of section 2 of the act and regulations issued pursuant thereto, chall submit to the Secretary a registration statement on a form similar to that printed below. Registration statea foreign political organization ments must be signed and sworn to before a notary public or other person authorized by law to administer oaths rectly in whole or in part by before they are transmitted to the Secretary of State. Blank forms will be furnished by the Secretary upon request.\*† [Part I, Chap. IV, sec. 1]

> Registration No. Date of Registration (Not to be filled in by registrant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

#### REGISTRATION, STATEMENT

For persons required to register with the Scoretary of State pursuant to section 2 of the act (Public, No. 583, 75th Cong., 3d sess.), approved on June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939.

(Note: All spaces must be filled in. Where space in the registration statement form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the registration statement and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be easily identified.)

- Name of registrant \_\_\_\_\_

   Status of registrant (individual, partnership, association, or corporation)\_\_\_\_\_
  3. Principal business address \_\_\_\_\_\_
- 4. Other places of business in the United States or elsewhere
- 5. Residence address, or addresses, if more than one\_\_\_\_\_
- 6, If registrant is a partnership, names and addresses of partners; if a corporation or association, names and addresses of officers thereof
- 7. Name of foreign principal, or principals, if more than one, for which registrant is acting as agent
- Address, or addresses, if more than one, of foreign principal
- 9. Nationality of foreign principal, or principals, if more than one\_\_\_\_\_
- 10. Nature of business of foreign principal, or principals\_\_\_\_\_
- 11. Comprehensive statement of nature of business of registrant\_\_\_\_\_
- 12. Identification of all contracts of employment or other documents submitted herewith to indicate in complete detail the nature of the employment of registrant, and the terms and conditions thereof. If contract is oral, a full statement of the terms and conditions thereof must be submitted herewith and identified herein
- 13. The following information must be furnished, whether contract of employment of registrant is written or oral:
  (a) Dates of contracts under which registrant is employed\_\_\_\_\_
  - (b) Dates of commencement of activity thereunder\_\_\_\_\_

- (c) Periods of duration of contracts of employment. (If not known definitely, approximations may be made.)\_
- 14. Compensation to be paid to or income to be received by registrant and form and time of payment, under contracts or terms of employment, or otherwise \_\_\_\_
- 15. Names of all foreign principals, or other persons or organizations which have contributed, do now contribute, or have undertaken to contribute, to compensation referred to in paragraph 14 above\_\_\_\_\_
- 16. If registrant is a partnership, association, or corporation, identify documents and instruments, whether charter; articles of incorporation, copartnership, or association; constitution; bylaws; or other documents or instruments relating to registrant's organization, powers, and purposes, submitted herewith in compliance with the act\_\_\_\_\_
- 17. (a) Nationality of registrant
  (b) If American-born, date and place of
  - (c) If naturalized, date and place of naturalization
  - (d) If alien, indicate type of travel document and nature of entry into the United States (whether for business or pleasure, temporary or permanent, etc.), including date, port of entry, type and date of visa, country of origin, country from which entry was made, etc.\_\_\_\_\_
- 18. Official designation of registrant\_\_\_\_\_
- 19. Date of execution of Registration State-

The undersigned swears (affirms) that he has read the act (Public, No. 583, 75th Cong., 3d sess.), approved on June 8, 1938, as amended, by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939, and the regulations issued pursuant thereto; that he is compliant the and the regulations issued pursuant thereto; that he is familiar with the contents of this Registration Statement submitted pursuant to such act and regulations, and with the contents of the documents supplementary thereto which are incorporated therein and constitute a part thereof, and that the facts therein set forth are true to the best of his knowledge, information, and belief.

(If registrant is a partnership, association, or corporation, the signature shall be that of its duly authorized representative.)

(Signature of registrant)

(Type or print name) Subscribed and sworn to before me at. \_\_\_\_\_day of \_ \_\_, 19\_\_.

(Title) My commission expires

19\_\_\_.

[Part I, Chap. IV, sec. 1]

§ 24.4 Language of statement. Registration statements should be in English. If in a foreign language, they must be accompanied by an English translation, certified under oath by the translator, before a notary public or other person authorized by law to administer oaths for general purposes, as a true and accurate translation. The statements, with the exception of signature, should be I [Part I, Chap. IV, sec. 8]

typewritten, but will be accepted if written legibly in ink.\*† [Part I, Chap. IV, sec. 2]

§ 24.5 Lack of essential details. All spaces in the registration statement form must be properly filled in. Registration statements found not to be in proper form, or lacking in essential details, will not be accepted by the Secretary for filing, and such registration statements shall not be deemed to have been filed in compliance with the act. \*† [Part I. Chap. IV, sec. 3]

§ 24.6 Supplementary information, Where space in the registration statement form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the registration statement and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be easily identified.\*† [Part I, Chap. IV, sec. 4]

§ 24.7 Effect of acceptance. Acceptance by the Secretary of a registration statement submitted for filing shall not necessarily signify a full compliance with the act on the part of the registrant, and such acceptance shall not preclude prosecution as provided for in the act for a false statement of a material fact or the willful omission of a material fact required to be stated therein.\*† [Part I, Chap. IV, sec. 51

§ 24.8 Date of filing. The date on which a registration statement, executed in full compliance with the act and regulations, is received by the Secretary for filing, shall be considered the date of the filing of such registration statement pursuant to the act. \* † [Part I, Chap. IV, sec. 6]

§ 24.9 Incorporation of papers previously filed. Papers and documents already filed with the Secretary pursuant to the act may be incorporated by reference in any registration statement subsequently submitted to the Secretary for filing, provided such papers and documents are adequately identified in the registration statement in which they are incorporated by reference.\*† [Part I, Chap. IV, sec. 7]

§ 24.10 Proof of authority of signatory. Every registration statement executed and submitted to the Secretary by or on behalf of a partnership, association, or corporation, shall contain or be accompanied by a concise statement of the applicable provisions of the partnership agreement, articles of incorporation, bylaws or similar documents, indicating the right of the person who signs and submits the registration statement for filing to take such action on behalf of the partnership, association, or corporation, and a statement under oath that all such requirements have been complied with and that the person signing and submitting the registration statement is fully authorized to do so.\*†

§ 24.11 Separate statements. A separate registration statement, under the act, must be filed with the Secretary by each person required to register.\*† [Part I, Chap. IV, sec. 9]

§ 24.12 Cessation of agency or activity. The Secretary should be notified promptly upon the cessation of the agency or activity by virtue of which a person has been required to file a registration statement or submit information to the Secretary pursuant to the act and regulations prescribed thereunder.\*† [Part I, Chap. IV, sec. 10]

§ 24.13 Individuals must file statements. The filing of a registration statement by a partnership, association, or corporation shall not preclude the necessity of the filing of a similar registration statement, as required under the act, by such individual members, employees, associates, and affiliates of such registrant, as are required to register under the act.\*† [Part I, Chap. IV, sec. 11]

§ 24.14 Activities not in behalf of foreign principal. Agents of foreign principals who engage, whether or not on behalf of their foreign principal, in activities not included among the exceptions set forth in the act and regulations shall be considered subject to the requirement of registration.\*† [Part I, Chap. IV, sec. 12]

§ 24.15 Subagents not subject to the requirement of registration. Registration pursuant to the act is required in the case of agents of foreign principals only. Subagents are not considered subject to the requirement of registration. A subagent is considered to be a person who is not engaged in any activities of a responsible character and who acts under the immediate and direct supervision of a registered agent or whose name, address, and functions are set forth in the registration statement submitted by the agent.\*† [Part I, Chap. IV, sec. 131

§ 24.16 Branch offices not required to file separate registration statements. Branch offices or subsidiaries of a registrant engaged in the same activity as that of such registrant will not be required to file separate registration statements if their names and addresses are included in the registration statement filed by the registrant pursuant to the act.\*† [Part I, Chap. IV, sec. 14]

§ 24.17 Subsidiary or branch agencies of foreign entities-status. Subsidiary or branch agencies of foreign entities in the United States are considered as occupying a dual status, i. e., that of a foreign principal and that of an agent of a foreign principal, and hence in their latter capacity are required to register if engaged in activities of a character not specifically excepted by the terms of the act and regulations. Officers of such agencies, however, need not register if their names and positions are indicated in the registration statement submitted formed promptly upon the termination by the agency.\*; [Part I, Chap. IV, sec. 15]

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tions whose membership includes one or more foreign principals. Associations and organizations, the membership of which includes one or more forcign principals, shall, to the extent of such foreign membership, be considered agents of foreign principals, and hence subject to the requirement of registration pursuant to the act unless their activities are of a character specifically excepted by the terms of the act and regulations. \*† [Part I, Chap. IV, sec. 16]

§ 24.19 Activities connected with the establishment or conduct of a foreign government. Activities connected in any way with the establishment or conduct of a foreign government shall not be considered to fall within any of the exceptions described in paragraphs (14) to (22), inclusive, of chapter II, part I, of the regulations, and persons undertaking to engage in such activities shall be considered subject to the requirement of registration.\*† [Part I, Chap. IV, sec. 17]

§ 24.20 Officials of foreign governments-notification of status. The status of officials of foreign governments and members of the staff of or persons employed by duly accredited diplomatic or consular officers of foreign governments, claiming exemption from the requirement of registration under the provicions of the first section of the act, should be regularized by a notification addressed to the Secretary of State. Such notification must include the full name, nationality, business and residence addresses of the person claiming exemption from the requirement of registration under the act, together with the name of the foreign government being served, a detailed statement of the present and proposed activities of such person, and an indication of the date of assumption of duties in the United States and the approximate duration thereof. \*† [Part I, Chap. IV, sec. 18]

§ 24.21 Renewal of notification under § 24.20. Notification under paragraph (18) above must be renewed whenever the purpose, scope, or nature of the agency described therein is changed, and in any case every 12 months throughout the duration of the agency.\*† [Part I, Chap. IV, sec. 19]

§ 24.22 Status of persons who have complied with the provisions of § 24.20. Persons who have submitted information in full compliance with the provisions of paragraph (13) above, shall be considered to have complied with the provisions of the act of June 15, 1917 (40 Stat. 226; 22 U.S.C. 233), so far as such provisions relate to the requirement of notification to the Secretary of certain agents of foreign governments in the United States. † [Part I, Chap. IV, sec. 201

§ 24.23 Termination of activities. The Secretary of State should be inof activities described in notifications submitted pursuant to the provisions of

\*§ 24.18 Associations and organiza-| paragraph (13) above.\*† [Part I, Chap. IV, sec. 21]

8 24.24 Withdrawal of registration statement from public records. The Secretary may withdraw from the public records the registration statement of any person whose activities have ceased to be of a character which requires registration under the terms of the act. Requests for such withdrawals shall be submitted to the Secretary in the form of an affidavit subscribed and sworn to before a notary public, identifying the registration statement, the withdrawal of which is desired, and stating that the agency relationship described therein has been terminated and that the activities of the registrant under such agency relationship have ceased. Registration statements which are withdrawn from the public records under the provisions hereof will be retained in the permanent files of the Department of State.\*† [Part I. Chap. IV. sec. 22]

REGULATIONS UNDER SECTION 3 OF THE ACT

§ 24.25 Applicability of §§ 24.3 to 24.24 to supplemental registration statement. The regulations set forth under chapter IV, part I, hereof, with respect to registration statements submitted to the Secretary under section 2 of the act. shall apply with equal force and effect to statements required to be submitted to the Secretary for filing under section 3 of the act.\* [Part I, Chap. V, sec. 2]

§ 24.26. Form of supplemental registration statement. Every person required to submit statements to the Secretary for filing in compliance with the terms of section 3 of the act and under the regulations issued pursuant to the act shall submit such statements under oath on a form similar to that printed below. Blank forms will be furnished by the Secretary upon request.\* [Part I, Chap. V. sec. 1]

> Registration No.
>
> Date of Registration
>
> (Not to be filled in by registrant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

SUPPLEMENTAL REGISTRATION STATEMENT

For persons required to submit statements to the Secretary of State for filing in com-pliance with section 3 of the act (Public, No. 533, 75th Cong., 3d sees.), approved on June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sees.), approved August 7, 1939.

(Note: Except in paragraph 1, if answers would be exactly the same as answers made to similar questions in a previous statement filed with the Secretary under the act of June 8, 1938, the word "same" may be written in the appropriate spaces below with an indication of the number and date of the previous statement filed. All spaces must be filled in.)

1. Name of registrant.

2. Status of registrant (individual, partner-chip, association, or corporation)

3. Principal business address.

3944	FEDERAI
4. Other plants States	aces of business in the United or elsewhere
5. Residence	e address, or addresses, if more one
address or asso officers	ant is a partnership, names and ses of partners; if a corporation ciation, names and addresses of thereof
7. Name of if more is actin	foreign principal, or principals, e than one, for which registrant og as agent
8. Address, of fore	or addresses, if more than one, ign principal
9. Nationali cipals,	ty of foreign principal, or prin- if more than one
or prin	f business of foreign principal,
,	
conditi herewi	ation of all contracts of ement or other documents sub- herewith to indicate in com- detail the nature of the em- ent of registrant and the terms inditions thereof. If contract is full statement of the terms and lons thereof must be submitted th and identified herein
13. The fol furnish ment (a) D	lowing information must be ned, whether contract of employ- of registrant is written or oral: cates of contracts under which registrant is employed
• •	ates of commencement of activity thereunder
*	eriods of duration of contracts of employment. (If not known definitely, approximations may be made.)
	sation to be paid to, or income received by, registrant, and form me of payment, under contracts ms of employment, or otherwise
to. Amount ceived 6 mon	and form of compensation re- by registrant during period of the immediately succeeding last

statement filed with the Secretary pursuant to the act

instruments relating to registrant's organization, powers, and purposes, submitted herewith in compliance

(b) If American-born, date and place

(c) If naturalized, date and place of

of birth\_\_\_\_\_

naturalization\_\_\_\_\_

16. If registrant is a partnership, association, or corporation, identify documents and instruments, whether charter; articles of incorporation, copartnership, or association; constitution; bylaws; or other documents or instruments registrant's

with the act\_\_\_\_\_

17. (a) Nationality of registrant\_\_\_\_\_

(d) If alien, indicate type of travel document and nature of entry into the United States (whether for busi-United States (whether for business or pleasure, temporary or permanent, etc.), including date, port of entry, type and date of visa, country of origin, country from which entry was made, etc.

18. Official designation of registrant\_\_\_\_

19. Date of execution of Registration State-

The undersigned swears (affirms) that he The undersigned swears (amrms) that he has read the act (Public, No. 583, 75th Cong., 3d sess.), approved om June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939, and the regulations issued pursuant thereto; that he to continue with the contents of this and the regulations issued pursuant thereto; that he is familiar with the contents of this Supplemental Registration Statement submitted pursuant to such act and regulations, and with the contents of the documents supplementary thereto which are incorporated therein and constitute a part thereof, and that the facts therein set forth are true to the best of his knowledge, information and helics. mation, and belief.

(If registrant is a partnership, association, or corporation, the signature shall be that of its duly authorized representative.)

(Signature of registrant) (Type or print name) Subscribed and sworn to before me at this \_\_\_\_ day of

(Title) My commission expires

19\_\_.

§ 24.27 Public inspection. Registra-

§ 24.28 To whom and by whom notifications are to be made. Title VIII of the Espionage Act, approved June 15, 1917 (40 Stat. 226), provides in part as

SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State, shall be fined not more than \$5,000, or imprisoned not more than five

than \$5,000, or imprisoned not more than five years, or both.

Scc. 4. The words "foreign government," as used in this act, \* \* \* shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government.

Notifications required to be submitted under the aforementioned provisions of law should be addressed to the Secretary of State. The notification may be made by the agent's government through appropriate diplomatic channels or consular offices, or, in the case of an insurrectionary government, faction, or body, by the competent authorities thereof

through an American consular officer: or the notification may be made by the agent directly. of [Part II, Chap. I; Chap. II, sec. 1]

§ 24.29 Information to be included in the notification. The notification must include the full name, nationality, business and residence addresses of the agent, a detailed statement of the present and proposed activities of such agent, and the name of the government represented, together with an indication of the date of assumption of duties in the United States and the approximate duration thereof.\*† [Part II, Chap, II, sec. 21

§ 24.30 Renewal of notification. Notifications must be renewed whenever the purpose, scope, or nature of the agency described therein is changed, and in any case every 12 months throughout the duration of the agency.\*† [Part'II, Chap. II, sec. 3]

§ 24.31 Expiration of activities. The Secretary of State should be informed promptly upon the expiration of every agency described in notifications submitted hereunder.\*; [Part II, Chap. II, sec. 41

§ 24.32 To whom notifications apply. Notifications hereunder shall be deemed to apply to agents either of an organized foreign government or of any government, faction, or body of insurgents in a country with which the United States is at peace, whether such government, faction, or body is or is not recognized by the United States as a government.\*; IPart II, Chap. II, sec.

§ 24.33 Notification not to be regarded as a claim to diplomatic immunity. No notification given to or received by the Secretary of State pursuant to the aforementioned provisions of law and regulations promulgated thereunder shall be regarded as a claim for or a recognition of the privileges of diplomatic immunity conferred by international law or custom.\*† [Part II, Chap. II, sec. 61 § 24.34 Definition of "agent".

term "agent" as used herein shall be deemed to include persons receiving compensation from or who are under the direction of a foreign government or any agency or department thereof.\*†

[Part II, Chap. II, sec. 7]

§ 24.35 Requirement of notification fulfilled by compliance with provisions of § 24.20. Persons who have complied fully with the provisions of paragraph (18), chapter IV, part I, of these regulations, shall be considered to have fulfilled the requirement of notification herein provided for.\*; [Part II, Chap. II, sec.

§ 24.36 Modification, amendment, or repeal of regulations. These regulations may be modified, amended, or repealed by the Secretary of State without notice.\*; [Part III]

[SEAL]

CORDELL HULL. Secretary of State. (

[F. R. Doc. 39-3398; Filed, September 15, 1939; 12:37 p. m.]

tion statements filed with the Secretary pursuant to the act will, with the exception of statements withdrawn under the provisions of paragraph (22), chapter IV, part I, above, be available for public inspection in the Department of State, Washington, D. C., during all business hours, i. e., from 9 a. m. to 4:30 p. m. on each business day excepting Saturday, and from 9 a. m. to 1 p. m. on Saturdays.\* [Part I, Chap. VI]

follows:

#### TITLE 29—LABOR

#### UNITED STATES EMPLOYMENT SERVICE

#### (SOCIAL SECURITY BOARD)

PART 21-RULES AND REGULATIONS RELAT-ING TO THE COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAIN-ING A NATIONAL SYSTEM OF PUBLIC EM-PLOYMENT OFFICES

#### SECTION 21.3 RESCINDED

Pursuant to the authority vested in it by the provisions of the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113), as amended, and provisions of the Reorganization Act of 1939 (Public No. 19, 76th Congress, First Session), approved April 3, 1939, and of the Reorganization Plan No. 1,1 effective July 1, 1939.

The Social Security Board hereby rescinds Rule No. 3° of the rules and regulations prescribed by the Director of the United States Employment Service, with the approval of the Secretary of Labor, dated June 18, 1938 (Section 21.3, Part 21, Title 29, Code of Federal Regulations).

Adopted by the Board, September 8,

A. J. ALTMEYER. Chairman.

Approved, September 13, 1939. PAUL V. MCNUTT, [SEAL] Federal Security Administrator.

[F. R. Doc. 39-3390; Filed, September 15, 1939; 9:15 a. m.]

### TITLE 31-MONEY AND FINANCE: TREASURY

#### SECRET SERVICE

PART 401-REGULATIONS RELATING TO THE SEIZURE AND FORFEITURE OF VESSELS. VEHICLES AND AIRCRAFT USED TO TRANS-PORT COUNTERFEIT COINS, OBLIGATIONS, SECURITIES, AND PARAPHERNALIA

§ 401.1 Authority for regulations. These regulations are issued under the Act of August 9, 1939, Public No. 357, 76th Congress. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.2 Secret Service Agents authorized to make seizures. All officers of the United States Secret Service engaged in the enforcement of counterfeiting laws are hereby authorized and designated to seize such vessels, vehicles, and aircraft as may be subject to seizure because of violations of the said Act of August 9, 1939 pertaining to contraband articles referred to in section 1 (b) (3) of said Act. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.3 Custody, Each vessel, vehicle, or aircraft seized pursuant to the

14 F.R. 2727 DI.

regulations shall forthwith be placed by the seizing officer in the custody of the feitures under the said Act of August 9, collector of customs for the customs district in which such seizure is made. Such placing in custody shall be effected by immediate notification of the appropriate collector of customs of the seizure, together with a statement of the facts including a description of the vessel, vehicle, or aircraft, and the holding by the seizing officer of such vessel, vehicle, or aircraft subject to the instructions of the said collector of customs. (Act of August 9, 1939, Public No. 357, 76th Con-

§ 401.4 Authority of collectors of customs to hold in custody. Collectors of customs are hereby authorized and designated to hold in custody awaiting appropriate disposition vessels, vehicles, and aircraft seized pursuant to the said Act of August 9, 1939, and these regulations. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.5 Duties of Burcau of Customs. With respect to every vessel, vchicle, and aircraft seized and placed in the custody of a collector of customs pursuant to the said Act of August 9, 1939, and these regulations, the appropriate officials of the Bureau of Customs are hereby authorized and designated as the officers who shall perform such administrative duties in connection with:

(a) the summary and judicial forfeiture and condemnation of such vessel, vehicle, or aircraft;

(b) the disposition of such vessel, vehicle, or aircraft or the proceeds from the sale thereof;

(c) the remission or mitigation of the forfeiture of such vessel, vehicle, or aircraft; and

(d) the compromise of claims and the award of compensation to informers in respect to such vessel, vehicle, or air-

as may be necessary and proper by virtue of the provisions of said Act of August 9, 1939, and by virtue of the provisions of the customs laws which the said Act makes applicable in connection with seizures and forfeitures incurred or alleged to have been incurred under the 12 said Act and these regulations. In the performance of said administrative duties the said appropriate officials of the Bureau of Customs shall be governed by the procedures established by the customs regulations, in so far as such procedures are applicable and not inconsistent with the provisions of the said Act of August 9, 1939 and these regulations. Powers of the character of those exercised by the Secretary of the Treasury and the Commissioner of Customs in connection with the remission or mitigation of forfeitures under the customs laws and in connection with the compromise of claims and the award of compensation to informers under the customs laws shall be exercised by the war.

said Act of August 9, 1939 and these Sceretary of the Treasury in connection with the remission or mitigation of for-1939, and in connection with the compromise of claims and the award of compensation to informers under the said Act. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.6 Disnosition. With respect to each vessel, vehicle, and aircraft seized pursuant to the said Act of August 9, 1939 and these regulations, the Chief of the Secret Service shall promptly notify the Director of the Procurement Division and the Commissioner of Customs whether the Secret Service Division desires to have such vessel, vehicle, or aircraft for its official use. When forfelture of any vessel, vehicle, or aircraft has been perfected otherwise than by court decree, the collector of customs holding in custody such vessel, vehicle, or aircraft shall: (1) either return the same to the Secret Service Division, if the Chief of the Secret Service has requested it for the official use of the Secret Service Division, (2) or, if the Secret Service Division does not desire such vessel, vehicle, or aircraft for its official use, hold such vessel, vehicle, or aircraft subject to the instructions of the Director of the Procurement Division. (See Title III of the Act of August 27, 1935, 49 Stat. 879 (40 U.S.C., Supp. IV, secs. 304f-304m).) (Act of August 9, 1939, Public No. 357, 76th Congress)

[SEAL] JOHN W. HAMES. Acting Secretary of the Treasury. SEPTEMBER 12, 1939.

[F. R. Doc. 33-3399; Filed, September 15, 1939; 12:48 p. m.]

# TITLE 32—NATIONAL DEFENSE

NATIONAL MUNITIONS CONTROL BOARD, DEPARTMENT OF STATE

PART 1-INTERNATIONAL TRAFFIC IN ARMS. ALLMINITION, ETC.1

#### SUBPART-GENERAL REGULATIONS AND SPECIAL PROVISIONS

Application for registration.

Registration fee. Certificate of registration.

Notification of changes.

Manufacturers, exporters and importers
of aircraft wheels and propeller

blades. Forgings, bodies. castings, and machined 1.6

Club propellers, cut away models of aircraft engines and mock-ups. Production for experimental or scien-

tific purposes.

1.9 Percono who may make or receive oc-

casional shipments.

National Firearms Act, June 28, 1934;
Federal Firearms Act, June 30, 1938. 1.10

<sup>23</sup> F.R. 1471 DI.

<sup>1</sup> The Secretary of State announces that the egulations contained herein supersede, as of September 15, 1939, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war, and other munitions of

Sec.		REGISTRATION NUMBER	REGISTRATION NUMBER
1.11 1.12	Applications for licenses, Import licenses.	(Not to be filled in by the applicant)	/Arch to be filled in by the employeet
1.13	Export licenses. Licenses not transferable.	United States of America	(Not to be filled in by the applicant) UNITED STATES OF AMERICA
1.15	Alterations. Revoked licenses.	DEPARTMENT OF STATE	DEPARTMENT OF STATE
1.17	Country of ultimate destination.		
	Shipper's export declaration.  Type and model designation.	APPLICATION FOR REGISTRATION	CERTIFICATE OF REGISTRATION
1.20	Presentation of licenses to collector of customs.	Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms,	Persons Engaged in the Business of Manu-
1.21	Export license material to be packed separately.	Ammunition, or Implements of War, Pur-	facturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pur-
	Parcel post. Articles in transit through the terri-	suant to Section 5 of the Joint Resolu- tion of Congress Approved by the Presi-	suant to Section 5 of the Joint Resolution of Congress Approved by the President May
	tory of the United States.	dent May i, 1937. Amending the Joint Resolution of August 31, 1935.	•1, 1937, Amending the Joint Resolution of August 31, 1935.
1.24	Application for export or import li- censes on behalf of persons who are		(The applicant shall fill in all of the
1.25	not required to register.  Arms more than 100 years old.	(The applicant shall fill in all of the follow- ing spaces)	following spaces)
	Arms for the individual use of the person to whom consigned.	(1) Name of person (the term "person" in-	(1) Name of person (the term "person" in- cludes a partnership, company, asso-
1.27	Arms intended exclusively for sporting	cludes a partnership, company, asso- ciation, or corporation, as well as a	clation, or corporation, as well as a
1.28		natural person):	natural person):
1.29	and its agencies are not "persons".  Arms returned to the United States	(2) Principal place of business:	(2) Principal place of business:
1.30	worn or damaged. Licenses required for the export or im-	(3) Other places of business in the United	(3) Other places of business in the United
2.00	port of aircraft wheels and propeller blades.	States:	States:
1.31	License required for export of articles		
1.32	intended for war purposes. "Propellant powders," "potassium ni-	(4) The applicant is engaged in the	(4) The applicant is engaged in the
15	trate powders," "sodium nitrate powders".	manufacture of arms, ammunition,	manufacture importation importation
1.33	Aircraft flown or shipped from the United States for a temporary sojourn	or implements of war. (Strike out	(exportation)
4.04	abroad.	the designation or designations not applicable to the business of the ap-	of arms, ammunition, or implements of war. (Strike out the designation or
1.34 1.35	Customs clearance. Records of manufacture, export, and	plicant.)	designations not applicable to the busi- ness of the applicant.)
1.36	import.  Title I of the Espionage Act, approved	(5) List of the arms, ammunition, and implements of war manufactured, im-	(5) List of the arms, ammunition, and implements of war manufactured, im-
1.37	June 15, 1917.	ported, or exported. (The articles manufactured, imported, or exported	ported, or exported. (The articles manufactured, imported, or exported
1.38	Articles contracted for by the War De-	shall be listed under the following categories in precisely the same terms	shall be listed under the following
1.39	partment or the Navy Department. Prospective exporters of arms, etc., to	in which they are listed in the President's proclamation of May 1, 1937.)	categories in precisely the same terms in which they are listed in the Presi-
	communicate with the Secretary of State in advance of shipment.	Category I	dent's proclamation of May 1, 1937.)  Category I
1.40			
1.41	Responsibility for notification.	Category II	Category II
1.42	- Ĉuba.	Category III	
1.43	sire of Cuban Government.		Category III
	Export licenses not issued.  Exporter to present convincing evidence	Category IV	Category IV
	of destination.		
	1.1 Application for registration.	Category V	Category V
	persons engaged in the business of sufacturing, exporting, or import-	Category VI	
ing	any of the arms, ammunition, or		Category VI
	lements of war enumerated in the ident's proclamation of May 1, 1937,	Category VII	Category VII
	l register with the Secretary of State		
	luly filling out and transmitting to	The above list includes all articles defined as arms, ammunition, and implements of	
	Secretary of State an application for stration in the form printed below.	war by the President's proclamation of May 1, 1937, which are manufactured, imported,	(These spaces are not to be filled in by the
The	articles manufactured, exported, or	or exported by the undersigned.	applicant) This certifies that the person named above
	orted shall be listed on the applica-	(Signature)	has registered in compliance with the provi-
	for registration under the same gories and in precisely the same	(If the applicant is a part- nership, company, association,	sions of the joint resolution of Congress approved May 1, 1937, amending the joint reso-
tern	is in which they are listed in the	or corporation, the signature shall be that of its duly au-	lution of August 31, 1935, and has paid the required registration fee of \$100 or \$500, as
	ident's proclamation of May 1, 1937.	thorized representative.)	the case may be. This certificate is valid for a period of 5 years from
	lications for registration must be ed and sworn to in the presence of	Signed and sealed in my presence this	For the Secretary of State:
_	otary public before they are trans-	(Notary public)	[SEAL] By' § 1.2 Registration fee. Applications
	ed to the Secretary of State.* [Part	The registration fee of $\{\$100\}$ is transmitted	for registration transmitted to the Sec-
ш,	(1)†]	herewith in the form of certified check herewith in the form of money orders	retary of State must be accompanied by
*8	ections 1.1 to 1.45 issued under the au-	(Checks should be made pay-	a registration fee in the form of money orders or a certified check. This fee is
thor	ty contained in Sec. 5a, 50 Stat. 124, S.C., Sup. III, 245b.	able to the order of the Secretary of State.)	in the amount of \$100 for persons who
†Τ	he source of sections 1.1 to 1.45 is Dept.	(Tool and Hon)	have not manufactured, exported, or imported arms, ammunition, or implements
Keg.	September 15, 1939.	(Perforation)	I horner arms' ammemment, or unhighigh

proclamation of May 1, 1937, to a total sales value of more than \$50,000 during the 12 months immediately preceding their application for registration, and in the amount of \$500 for persons who have manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated, to a total sales value of more than \$50,000 during the 12 months immediately preceding their application. Persons paying a fee of \$100 shall submit with their application for registration an affidavit, signed and sworn to before a notary public by a responsible officer of the company, stating that the company did not manufacture, export, or import arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than \$50,000 during the 12 months immediately preceding the application for registration and setting forth such evidence in substantiation of this affirmation as may seem appropriate.\* [Part III, (2)†]

§ 1.3 Certificate of registration. Upon receipt of an application for registration and the appended certificate of registration, duly filled out and accompanied by a registration fee of \$100 or \$500, as the case may be, and by a satisfactory affidavit as described above in the case of persons paying a fee of \$100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person regis-[Part III, (3)†]

§ 1.4 Notification of changes. Every person registered shall notify the Secretary of State of any change in the information set forth in his certificate of registration. If the change involves a revision of the list of arms, ammunition, and implements of war which he manufactures, exports or imports, or a change of name, such registered person shall submit, on the form described in paragraph (1) above, an application for an amended certificate of registration, including this information. Upon the receipt of a duly executed application therefor, the Secretary of State will issue to such person, free of charge, an amended certificate of registration which will remain valid until the date of the expiration of his original certificate.\* [Part III, (4)†]

§ 1.5 Manufacturers, exporters and importers of aircraft wheels and propeller blades. Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's proclamation of May 1, 1937, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as con- | Federal Firearms Act (15 U.S.C. Supp. IV

of war, as enumerated in the President's | stituting to such an unusual degree the | 901-909 incl.), approved by the Presimain body of aircraft under-carriage units and aircraft propellers that the manufacture, export, or import of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.\* [Part III, (5)†]

§ 1.6 Forgings, castings, and machined bodies. Forgings, castings, and machined bodies for any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings, castings, or machined bodies for arms, ammunition, and implements of war, are considered as constituting arms, ammunition, and implements of war for the purposes of section 5 of the joint resolution.\* [Part 皿, (6) †]

§ 1.7 Club propellers, cut away models of aircraft engines and mock-ups. Club propellers, cut away models of aircraft engines and mock-ups or models of arms, ammunition, and implements of war which by reason of design or construction are incapable of being used or of being adapted for use in flight or for military or naval purpose will not be considered as arms, ammunition, or implements of war within the meaning of section 5 of the joint resolution.\* [Part III, (7) † 3

§ 1.8 Production for experimental or scientific purposes. The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 5 of the joint resolution.\* [Part III, (8)†]

§ 1.9 Persons who may make or receive occasional shipments. Persons who are not engaged in the business of exporting or importing arms, ammunition. or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 5 of the joint resolution. Licenses for such shipments may be obtained in accordance with the provisions of paragraph (24) below.\* [Part III, (9) †]

§ 1.10 National Firearms Act, June 26, 1934; Federal Firearms Act, June 30, 1938. The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as the National Firearms Act (26 U.S.C. (1934) 1132-1132q incl.; Supp. IV 1132-1132b incl.), approved by the President June 26, 1934, as amended; and under the

dent June 30, 1938. The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms and taxes upon transfers of certain firearms. The term "firearm" as used in this act includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length." The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm" as used in this act means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon," and the term "ammunition" includes "all pistol or revolver ammunition except .22-caliber rim-fire ammunition." Rules and regulations for the enforcement of these acts are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. [Part III, (10) †]

§ 1.11 Applications for licenses. No person not registered under section 5 of the joint resolution shall engage in the business of exporting or importing any of the arms, ammunition, or implements of war listed in the President's proclamation of May 1, 1937. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.\* [Part III, (11)†]

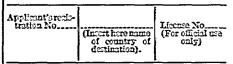
DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT ARMS. ALCIUMITION, OR IMPLEMENTS OF WAR

ORIGINAL.

(Application to be made in duplicate)



GENERAL INSTRUCTIONS

(a) One duplicate application should be made for each complete shipment to any one consignee, and may include more than one commodity, but may not include shipments to more than one country.

- (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.
- (c) Commodities appearing under (7) below should be listed under the number of the pertinent category and category subdivision of that Presidential proclamation enumerating arms, ammunition, and implements of war which is in effect on the date the application is submitted. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever pos-
- (d) A separate value should be given under
  (8) below for each category, and for
  each subdivision of a category, which
  enters into the shipment covered by
  the application. Values listed should represent the selling price only of the articles exported, and should not include such supplementary costs as packing, freight, etc.

  (e) Unsigned applications or applications which omit essential information

called for in the numbered spaces will be returned.

be returned.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

(g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. Changes in the information set forth in licenses which have been issued under the seal of the Secretary of State can be efof the Secretary of State can be effected by amendments which can be made only by the Department of State, or by collectors of customs or post-masters acting under the specific in-structions of the Department of State.

DEPARTMENT OF STATE, Washington, D. C.

(1) Date of application\_

(2) Applicant's reference No\_\_\_\_\_\_
The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant

(3) Name of applicant\_\_\_ Ву\_\_\_\_\_

(To be signed in ink)
(4) Consignee in foreign country:
Name\_\_\_\_\_\_Nationality Address:

Street\_\_ State or Province\_\_ City \_\_\_ Country\_

(5) Purchaser in foreign country: Name\_ \_\_ Nationality

> Street\_\_ State or Province\_\_ City \_\_\_ Country\_\_

(6) Quantity	(7) Commodity (to be listed as indicated under instruction (c))	(8) Approximate net value
,		

(9) State the specific purpose for which the material is required:

*
(10) License to be sent to:
Name
Address: Street City State
(11) Consignor in United States:
Name Nationality
Address: Street City State
Nature of business
(12) Port of exit in the United States from
which it is proposed to export the ship-
ment

License is hereby granted to the applicant mentioned herein to export from the United States of America to. commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is subject to revocation without notice.

Shipment must be made from port of exit within 1 year from date of this license as given below under the seal of the Depart-

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a sea-going vessel, 24 hours before the lading of the vessel.

If partial shipments are made on this li-cense, endorsements by the collectors of cus-toms or postmasters will be made below.

Quantity	Descrip- tion	Value	Port of exit	Date	Officer
,	,	7.4			
		<u> </u>	<u> </u>		

FOR COLLECTORS OF CUSTOMS AND POSTMASTERS

This license should be returned to the Secretary of State at the end of the month during which the last article of the shipment described therein was exported, or during which notice has been given that the remaining balance will not be shipped, or during which the license has been revoked or has expired. When the entire shipment has been exported, the license should be marked "COMPLETED"; otherwise the returned license should bear a notation stating the reason for its return and the quantity and value of the articles actually shipped.

Date of license. (For official use only) For the Secretary of State:

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

(For official use only)

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO IMPORT ARMS. AMMUNITION, OR IMPLEMENTS OF WAR

(Application to be made in duplicate)

ORIGINAL.

Applicant's regis-tration No. License No.\_\_\_ (For official use (Insert here name of country of origin) only)

# GENERAL INSTRUCTIONS

- (a) One duplicate application should be made for each complete shipment immade for each complete snipment imported, and may cover more than one commodity, but may not cover shipments from more than one country.

  (b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

  (c) Where exact number of packages, weight and value cannot be ascertained at the time of application, estimates should
- time of application, estimates should be given. Slight variations may be al-
- (d) Commodities appearing under (6) below should be listed under the number of the pertinent category and category subdivision of the President's proclamation of May 1, 1937. Each com-

modity listed should be designated clearly and specifically, the type and model designation being included

model designation whenever possible, separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the article imported only, and should not include such supplementary costs as packing, freight, etc.

(f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

returned.

(g) Any attempt to import a commodity dif-fering in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts by Congress.

(h) When countersigned and impressed with

the seal this app	of the	Departmen becomes a	t of State
DEPARTMENT OF Washington, (1) Date of a (2) Applicant	D.C. oplication s referen	ce No	
The undersigned to import the covarrants the answers herew.  (3) Name of a	commodit truth of th made	y described all states regarding	below and ments and it.
(4) Consignor Name Address: Street	in foreig	gned in inl in country: Nationa State or Country	lity Province
Name Address: Street		Nationa State or Country	Province
(6) Commodity and quantity thereof (to be listed as indi- cated under instruction (d))	(7) Num- ber of articles	(8) Approxi- mato gross weight	(9) Approxi- mate net value
,			
(10) State the materia	specific ; il is requ	purpose for dred:	which the

(11) License to be sent to:

	ASTITIC			
	Address:	Street	Cit	V
	State			•
(12) Co	nsignee :	in United	States:	
	Name	No	tionality	~~~~~
	Address:	Street	Clt	V
	State			•

Nature of business... (13) Port of entry in the United States
through which it is proposed to import the shipment

License is hereby granted to the applicant mentioned herein to import into the United States of America from the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is sub-

ect to revocation without notice.

Shipment must be received at the port of entry within 1 year from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.

Descrip- tion	Quan- tity	Num- ber of articles	Value	Port of entry	Date	Name of officer
,						

After all of the articles or commodities listed under (6) above have been imported, the collector of customs should write the word "Completen" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been com-pleted, or should the importer state that he does not desire to complete the shipment, the collector should note in the space immediately above, the articles which have been imported under the license and should then return it to the Secretary of State. Date of license.

(For official use only)

FOR THE SECRETARY OF STATE:

the seal of the Department of State, this application becomes a license.)

(For official use only)

§ 1.12 Import licenses. The Secretary of State will issue import licenses to all registered applicants who have duly filled out an application for license, provided that, in case the articles to be imported are firearms as enumerated in the National Firearms Act of June 26, 1934, as amended, or firearms or ammunition as enumerated in the Federal Firearms Act of June 30, 1938, both of which acts are referred to under section 1.10 above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.\* [Part III, (12)†]

§ 1.13 Export licenses. The Secretary of State will issue export licenses to all registered applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party.\* [Part III. (13)†]

§ 1.14 Licenses not transferable. Export and import licenses are not transferable and are subject to revocation without notice, if the exportation or the importation authorized by the license becomes illegal before the shipment is made. If not revoked, licenses are valid for 1 year from the date of issuance, and shipments thereunder may be made be exported in order that the Secretary through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph (12) of the application for export license or the proposed port of entry under paragraph (13) of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license.\* [Part III, (14) †]

§ 1.15 Alterations. No alterations may be made except by the Department arms, ammunition, and implements of signed will not be considered as imported of State, or by collectors of customs or war must be presented to the collector of postmasters acting under the specific in- customs at the port through which the joint resolution. (This does not relieve

export or import licenses which have been issued under the seal of the Secretary of State.\* [Part III, (15) †]

§ 1.16 Revoked licenses. Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.\* [Part III, (16)†]

§ 1.17 Country of ultimate destina-tion. The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.\* [Part III, (17)†]

§ 1.18 Shipper's export declaration. The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.\* [Part III, (18)†]

Type and model designation. Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to of State may determine, before issuing the license, that the provisions of Part V of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for comple-

tion in this respect.\* [Part III, (19)†] § 1.20 Presentation of licenses to collector of customs. The originals of licenses for the export and the import of

structions of the Department of State, in | shipment authorized by the license is being made. Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.\* [Part III, (20) †]

> § 1.21 Export license material to be packed separately. Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods, except when the shipment is too small to make this segregation practical, in which case the exporter should list separately in the application for an export license those other articles which do not require a license but which are being included in the package.\* [Part III, (21) †]

§ 1.22 Parcel post. Export and import licenses for arms, ammunition, and implements of war which are shipped by . parcel post must be presented to the postmaster at the post office at which the parcel is mailed or received.\* [Part III, (22) † ]

§ 1.23 Articles in transit through the territory of the United States. Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 5 of the joint resolution, unless they are destined to a country to which the exportation of arms, ammunition, and implements of war is prohibited.\* [Part III. (23)†]

§ 1.24 Application for export or import licenses on behalf of persons who are not required to register. Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 5 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may. in accordance with the provisions of section 1.9 above, desire to make or receive occasional shipments of arms, ammunition, or implements of war.\* [Part III. (24) † ]

§ 1.25 Arms more than 100 years old. Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 5 of the joint resolution. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry or exit, as the case may be. \* [Part III, (25)†]

§ 1.26 Arms for the individual use of the person to whom consigned. Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom conwithin the meaning of section 5 of the

the consignee from the obligation to comply with such of the regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under the National Firearms Act of June 26, 1934, as amended, and the Federal Firearms Act of June 30, 1938, referred to in section 1.10 above, as may be applicable in the premises.) \* [Part III, (26) †]

§ 1.27 Arms intended exclusively for sporting or scientific purposes. Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 5 of the joint resolution.\* [Part III, (27) †]

§ 1.28 The Government of the United States and its agencies are not "persons". The Government of the United States and its agencies are not "persons" within the meaning of that term as used in section 5 of the joint resolution and therefore no license is required for arms, ammunition, or implements of war imported or exported by them.\* [Part III, (28) †]

§ 1.29 Arms returned to the United States worn or damaged. Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 5 of the joint resolution. An export license must be obtained, however, before such articles are reexported. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry.\* [Part III, (29) †]

§ 1.30 Licenses required for the export or import of aircraft wheels and propeller blades. Licenses are required under the provisions of section 5 of the joint resolution for the export or the import of those articles only which are specifically mentioned in the President's proclamation of May 1, 1937. No license is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, except in cases where the export or import of such parts may reasonably be considered as involving, in fact, the export or import of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that a license is required for the export or the import of wheels and propeller blades, even when they are shipped alone.\* [Part III, (30) †]

§ 1.31 License required for export of articles intended for war purposes. A license is required for the export of all articles listed in subsection (5) of category I of the President's proclamation of May 1, 1937, which are intended or adapted for war purposes. The fact that ing of section 5 of the joint resolution. records of all arms, ammunition, and im-

common nonmilitary use will be considered as prima-facie evidence that the article is not intended for war purposes. No license is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for nonmilitary use. Articles listed in subsection (5) will be considered ipso facto as intended or adapted for war purposes, unless when exported they either contain a nonlethal gas or fluid or can be proven to be adapted and intended solely for a specific nonmilitary use.\* [Part III, (31) †]

§ 1.32 "Propellant powders," "potassium nitrate powders," "sodium nitrate powders". The terms "propellant powders," as used in paragraph (1) of category VII of the President's proclamation of May 1, 1937, and "potassium nitrate powders" and "sodium nitrate powders," as used in paragraph (2) of that category, apply to those powders in bulk They do not apply to such form. powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain one of these powders.\* [Part III, (32) †]

§ 1.33 Aircraft flown or shipped from the United States for a temporary sojourn abroad. Aircraft flown or shipped from the United States for a temporary sojourn abroad, of not to exceed six months' duration, will not be considered as exported within the meaning of section 5 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of May 1. 1937, in any foreign country. should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is cancelled automatically at the time of the sale under the Civil Air Regulations of the Civil Aeronautics Authority. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, propose to place the aircraft under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the aircraft or any of the essential parts referred to in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Aircraft of United States registry returning to the United States from foreign countries will not be considered as imported within the mean-

with a nonlethal gas or fluid having a | United States for a temporary solourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 5 of the joint resolution. [Part III, (33)†]

§ 1.34 Customs clearance. Aircraft flown or shipped for temporary solourn under the provisions of section 1.33 above shall not be so flown or shipped until customs clearance has been obtained. Evidence in support of claim for exemption from the requirement of an import or export license should be submitted to the appropriate collector of customs. Aircraft flown into the United States should be cleared through the customs authorities at the airport of entry where first landing is made or at such other airport or base where advance permission to land has been obtained from the Commissioner of Customs. In case of forced landings of aircraft arriving in the United States clearance should be obtained at the port of entry or custom house nearest to the place where such forced landing is made. Aircraft flown out of the United States should be cleared through the customs authorities at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry. Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad, the customs authorities. at the port of exit through which the aircraft is cleared should be informed of the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States. Persons planning to make flights outside the United States are advised, moreover, to communicate with the Civil Aeronautics Authority with regard to its requirements. The requirements set forth herein have no application to civil aircraft operated by commercial air lines on regular schedules between the United States and foreign countries under certificates of public convenience and necessity or foreign air carrier permits issued by the Civil Areonautics Authority. The provisions of this paragraph shall be considered as binding in addition to; and not in lieu of, the customs regulations.\* [Part III, (34) †]

§ 1.35 Records of manufacture, export, and import. The Secretary of State prescribes that all persons required to register under section 5 of the joint resolution approved May 1, 1937, amending the joint resolution of August 31, 1935. shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar such an article, when exported, is filled Aircraft of foreign registry entering the plements of war imported or exported by

them. The records of articles imported terest to the national defense, or per-land in compliance with the laws of Cuba shall, in addition, contain information as sons desirous of transmitting abroad which restrict the importation of arms, to the consignors of articles imported information concerning such articles, and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the transaction in order that he may be in shipments of arms, ammunition, and imconsignees and the destination of each a position to ascertain for the interested shipment.\* [Part IV†]

approved June 15, 1917. Title I of the ticles upon which a determination is Espionage Act, approved June 15, 1917, reads in part as follows:

Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any mit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photographic negative, blue print, plan, map, model, note, instrument, appliance, or inmodel, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years...[Part V, (Par. 1) †]

- § 1.37 Articles involving military secrets. The Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:
- (a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and
- (b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.\* (Sec. 2, 40 Stat. 218; 50 U.S.C. 32) [Part V, (Par. 2)†1
- § 1.38. Articles contracted for by the War Department or the Navy Department. Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.\* (Sec. 2, 40 Stat. 218; 50 U.S.C. 32) [Part V, (Par. 3)†]
- § 1.39 Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment. Prospective exporters of articles falling within the above categories which may possibly involve military secrets of in- the laws of both countries."

should communicate with the Secretary of State in advance of the proposed person whether or not military secrets § 1.36 Title I of the Espionage Act, are, in fact, involved therein. The arrequested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.\* (Sec. 2, 40 Stat. 218; 50 U.S.C. 32) [Part V, (Par. 4) †]

- § 1.40 Export of arms to China, Cuba, Honduras, and Nicaragua. \* \* \* the Secretary of State will permit the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of May 1, 1937, only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.\* (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI7]
- § 1.41 Responsibility for notification. The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.\* (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 1934 (49 Stat. 3399)) [Part VI†] 3399)) [Part VI†]
- § 1.42 Export licenses for shipment of arms to Cuba. In compliance with ar-United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

"The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by

ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for plements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of May 1, 1937:

- (1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.
- (2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.
- (3) Ammunition for the arms and small arms under (1) above.
- (4) Sabers, swords, and military machetes with cross-guard hilts.
- (5) Explosives as follows: explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 percent or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones.
- (6) Tear gas (C:H:COCH:Cl) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.\* (Article 2, Convention between the United States and Cuba to suppress smuggling, proclaimed by President, June 19, 1926 (44 Stat. 2395); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†]
- § 1.43 Exportation authorized only upon desire of Cuban Government. The Secretary of State will permit the exportation to Cuba of the articles listed above only when the Department of State has been informed by the Cuban Embassy in Washington that it is the desire of the Cuban Government that the exportation of the shipment be authorized.\* (Article 2, Convention between the United States and Cuba to suppress smuggling, proclaimed by President, June 19, 1926 (44 Stat. 2395); Proc. June 29,
- § 1.44 Export licenses not issued. No. export licenses will be issued for shipments destined to China, Cuba, Honticle II of the convention between the duras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of May 1, 1937.° (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†1
  - § 1.45 Exporter to present convincing evidence of destination. In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not

destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.\* (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†1]

CORDELL HULL, Secretary of State.

SEPTEMBER 13, 1939.

[F. R. Doc. 39-3388; Filed, September 14, 1939; 1:30 p. m.]

# Notices

### DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938. (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

#### OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.1

# NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

## NAME AND ADDRESS OF FIRM

Aberdeen Hosiery Mills, Inc., Aberdeen, North Carolina (5 learners).

Amos Hosiery Mill, High Point, North Carolina.

Asheboro Hosiery Mills, Asheboro, North Carolina.

Belmont Hosiery Mills, Inc., Belmont, North Carolina.

Boonton Full Fashion Hosiery Mills, Division Street, Boonton, New Jersey.

Bowman Knitting Mills, Hickory, North Carolina (5 learners).

Chipman, Inc., East Flat Rock, North Carolina.

Clarke Mills, Jackson, Alabama (5 learners).

Clay County Products Company, Inc., | Pohatcong Hosier, Green Cove Springs, Florida (5 learnington, New Jersey. ers).

Crewe Hosiery Company, Inc., Crewe, Virginia (5 learners).

John E. Dakin Corporation, Milton, Pénnsylvania.

Davenport Hosiery Mills, Chattanooga, Tennessee.

Delaware Silk Hosiery Mills, Seaford, Delaware (5 learners).

Dothan Silk Hosiery Co., Dothan, Alabama.

Dunn Hosiery Mills, Inc., Dunn, North Carolina (5 learners).

Everlast Hosiery Mills, Wilmington, Delaware (5 learners).

Gastonia Full Fashioned Hosiery Mill, Inc., Gastonia, North Carolina.

Gem Hosiery Mills, Georgetown, Delaware (5 learners).

General Hosiery Co., Fort Wayne, Indiana.

Green Lane Hosiery Company, Inc., Green Lane, Pennsylvania (5 learners). Guilford Hosiery Mills, Inc., 706 Grimes Street, High Point, North Carolina.

Harriman Hosiery Mills, Harriman, Tennessee.

Hayward Hosiery Co., Ipswich, Massachusetts.

Infants Socks, Inc., Eufaula, Alabama. Infants Socks, Inc., Middletown, Pennsylvania.

Interwoven Stocking Co., Berkley Springs, West Virginia.

Interwoven Stocking Co., Chambersburg, Pennsylvania.

Interwoven Stocking Co., Hagerstown, Maryland.

Interwoven Stocking Company, Martinsburg, West Virginia (26 learners).

John-Massey Hosiery, Valdese, North Carolina (5 learners).

Kraemer Hosiery Co., Nazareth, Penn-sylvania.

sylvania. Lefcort Hosiery Company, Irvington,

New Jersey.

Leicester Knitting Mills, Rochdale,
Massachusetts.

Lillian Knitting Mills Co., 335 East Main Street, Albemarle, North Carolina. Long Finishing Mills., Inc., Burlington, North Carolina.

L'Opera Hosiery Mill, Inc., Glassboro, New Jersey (5 learners).

Lucky Stripe Silk Stocking Co., Inc., Fitzgerald, Georgia (5 learners).

Lyerly Full Fashioned Mills, Inc., Hickory, North Carolina.

Macungie Hosiery Mill, Macungie, Pennsylvania (5 learners).

Marinat Hosiery Mills, Valdese, North Carolina.

Milton Hosiery Mills, Inc., Milton, Pennsylvania.

Monroe Full Fashioned Hosiery Co., Monroe, North Carolina.

National Hosiery Dyeing & Finishing Works, Boston, Massachusetts (5 learners).

Pohatcong Hosiery Mills, Inc., Washington, New Jersey.

Real Silk Hosiery Mills, Inc., Dalton, Georgia.

Silver Knit Hosiery Mill, High Point, North Carolina.

S & F Hosiery Mills, Inc., Dayton, Tennessee.

Shenandoah Knitting Mills, Inc., Shenandoah, Virginia.

Simmons Mills, Inc., High Point, North Carolina (5 learners).

Slatedale Knitting Mills, Slatedale, Pennsylvania (5 learners).

Smoky Mountains Hosiery Mills, Kingsport, Tennessee.

Staley Hosiery Mill Company, Staley, North Carolina (5 learners).

Standard Hosiery Mills, Inc., Alamance, North Carolina.

Sulloway Hosiery Mills, River Street, Franklin, New Hampshire.

Supreme Hosiery Co., Jersey Shore, Pennsylvania (5 learners).

Vanette Hosiery Mills, 6001 Maple

Avenue, Dallas, Texas.
Vestal Mills, Inc., Athens, Tennessee
(5 learners).

Virginia Maid Hosiery Mills, Inc., Pu-laski, Virginia.

Wadesboro Full Fashioned Hoslery Mills, Inc.; Wadesboro, North Carolina.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia.

Walnut Hosiery Mills, Inc., Shamokin, Pennsylvania (5 learners).

Walton Hosiery Mills, Inc., DeFuniak Springs, Florida (5 learners).

West Chester Hosiery Mills, Inc., West Chester, Pennsylvania.

Wheeler, A. W. & Sons, Inc., Brevard, North Carolina.

Whisnant Hosiery Mills, Hickory, North Carolina.

Willstrut Hosiery Mill, San Leandro, California (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 15th day of September 1939.

MERLE D. VINCENT, Chief of Hearings and Exemptions Section.

[F. R. Doc. 39-3395; Filed, September 15, 1939; 12:20 p. m.]

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE PROCESSING OF HY-ERID SEED CORN FROM THE MAXIMUM Hours Provisions of the Fair Labor STANDARDS ACT OF 1938 PURSUANT TO SECTION 7 (b) (3) AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER

Whereas, applications have been filed by the Garst and Thomas Hybrid Corn Company, the National Hybrid Corn Company, and sundry other parties for exemption of the processing of hybrid seed corn from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder,1 and

Whereas, it appears from the said applications that:

- (1) hybrid seed corn comes to maturity and is harvested each year during the period between September 15 (approximately) and the first killing frost (usually about November 1) after which time unharvested corn is no longer usable as seed corn, and
- (2) after harvesting, hybrid seed corn is perishable and must be immediately delivered to processing plants where it is and must be immediately husked, sorted and dried, and where it is shelled. graded and sacked either during the harvest season proper or during the winter months, but not later than March or April, and
- (3) the above described processing of hybrid seed corn is carried on only by plants which engage in no other operations and which completely cease operations, except for such work as maintenance, repair, clerical and sales work, during the balance of the year.

Now, therefore, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5 (c) of the Regulations, that a prima facie case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the processing, as described above, of hybrid seed corn.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

at Room 313, 939 D Street, N. W., Washington, D. C.

Signed at Washington, D. C., this 15th day of September, 1939.

> ELMER F. AMDREWS. Administrator.

[F. R. Doc. 39-3397; Filed, September 15, 1939; 12:35 p. m.]

# CIVIL AERONAUTICS AUTHORITY.

[Docket No. 204]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MAR-QUETTE AIRLINES, INC. AND AMERICAN AIRLINES, INC.

### NOTICE OF HEARING

The above-entitled proceeding, an investigation instituted by order of the Authority dated June 27, 1939, serial No. 77, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc. and American Airlines, Inc. are adverse to the public interest, are in violation of any of the provisions of said Act, or constitute acts prohibited by any of the provisions of said Act, and (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act, is assigned for public hearing on October 2, 1939, at 10 o'clock a.m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority in Washington, D. C.

Dated Washington, D. C., September 13, 1939.

By the Authority.

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 39-3396; Filed, September 15, 1939; 12:33 p.m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 5772]

IN RE APPLICATION OF SOUTHERN BELL TELEPHONE AND TELEGRAPH Co., (New)

Dated June 2, 1939, for construction permit; class of service-coastal harbor (public); class of station—coastal harbor; location-Maderia Beach, Fla.; operating assignment specified-frequency, 2598 kc; power, 400 watts; emission A2, A3; hours of operation Unlimited.

[File No. P3-PC-56]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above de-

If no objection and request for hear-(scribed application and has designated ing is received within fifteen days, the the matter for-hearing for the following reacons:

- 1. To determine the nature and extent of the service proposed to be rendered.
- '2. To determine the need for the service proposed.
- a. To determine the manner in which service is now being rendered in the area. proposed to be served and the sufficiency of such service.
- 3. To determine whether the frequency 2593 kc may be granted under the Communications Act of 1934 as amended, the rules and regulations of the Commission governing the service involved, and any treaty agreements covering the assignment of frequencies for use as requested.
- 4. To determine whether or not interference would result to the service of any existing station or stations from use at the proposed station of the frequency requested.
- 5. To determine the different classes of service to be rendered and the charge to be made for each.
- 6. To determine whether the interests of any carrier or carriers subject to the Communications Act of 1934, as amended, would be adversely affected by the granting of this application, and, if so, the possible extent thereof.
- 7. To determine whether or not the granting of the application would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b)1 of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.1022 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Southern Bell Telephone and Telegraph Co., 67 Edgewood Avenue, S. E., Atlanta, Ga.

Dated at Washington, D. C. September 14, 1939.

By the Commission.

[SEAL]

T. J. SLOWIE. Secretary.

[F. R. Doc. 39-3394; Filed, September 15, 1939; 12:16 p. m.]

Administrator will make a finding upon the prima facie case shown upon the application. These applications may be examined

<sup>14</sup> F.R. 3350 DL 24 F.R. 3344 DL

<sup>13</sup> F.R. 2534 DL

MISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, 1939.

IN THE MATTER OF STEWART M. DEVINE, #9 ARBUTUS AVENUE, CATONSVILLE, MARYLAND

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCA-TION OR SUSPENSION OF REGISTRATION

Stewart M. Devine, a sole proprietorship hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter déaler pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission having reasonable grounds to believe that the registrant has willfully violated the provisions of Rule X-158-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of said Act, by failing to report removal of registrant's offices from the address given under Item 2 of the application for registration as #9 Arbutus Avenue, Catonsville, Maryland; and

The Commission further having reasonable grounds to believe that it is in the public interest to revoke registration and to suspend registration pending final determination whether registration shall be revoked; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

It is ordered, That proceedings be held to determine whether the registration of Stewart M. Devine should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

It is further ordered, That a hearing for the purpose of taking evidence be held at 10:30 A. M. on October 5, 1939 at the Securities and Exchange Commission, Room 1103, 1778 Pennsylvania Ave., N. W., Washington, D. C. and that the sion pursuant to Sections 15 (b), 17 (a) said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may de- the address given under Item 2 of the termine; that for the purpose of said application for registration as 5611 Winhearing Richard Townsend be and he is ner Avenue, Baltimore, Maryland; and

SECURITIES AND EXCHANGE COM- | hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

It is further ordered. That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REG-ISTER in the manner prescribed by the change Act of 1934. Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 39-3393; Filed, September 15, 1939; 11:49 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September 1939.

IN THE MATTER OF JAMES W. MARTIN, 5611 WINNER AVENUE, BALTIMORE, MARYLAND

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCA-TION OR SUSPENSION OF REGISTRATION

James W. Martin, a sole proprietorship hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission having reasonable grounds to believe that said registrant has willfully violated the provisions of Rule X-15B-2, adopted by the Commisand 23 (a) of said Act, by failing to report removal of registrant's offices from

The Commission further having reasonable grounds to believe that it is necessary and appropriate in the public interest and for the protection of investors to revoke registration and to suspend registration pending final deterand all other records deemed relevant mination whether registration shall be revoked; and

> The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

> It is ordered, That proceedings be held to determine whether the registration of James W. Martin should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Ex-

> It is further ordered, That a hearing for the purpose of taking evidence be held-at 9:30 A. M. on October 5, 1939 at the Securities and Exchange Commission. Room 1103, 1778 Pennsylvania Ave., NW., Washington, D. C. and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Richard Townsend be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or ma-

> It is further ordered, That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REGIS-TER in the manner prescribed by the Federal Register Act.

> terial to the matters in issue at such

hearing, and to perform all other duties

in connection therewith as authorized by

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

law.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 39-3392; Filed, September 15, 1939; 11:49 a. m.]